

# ARKANSAS CODE OF 1987 ANNOTATED

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# ARKANSAS CODE OF 1987 ANNOTATED



## VOLUME 28A 2008 Replacement TITLE 27: TRANSPORTATION (CHAPTERS 1–48)

*Prepared by the Editorial Staff of the Publisher*

Under the Direction and Supervision of the  
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## Sources

This volume contains legislation enacted by the Arkansas General Assembly through the 2007 Regular Session. Annotations are to the following sources:

Arkansas Supreme Court and Arkansas Court of Appeals Opinions through 2007 Ark. LEXIS 643 (November 29, 2007) and 2007 Ark. App. LEXIS 814 (November 28, 2007).

Federal Supplement through November 29, 2007.

Federal Reporter 3d Series through November 29, 2007.

United States Supreme Court Reports, through November 29, 2007.

Bankruptcy Reporter through November 29, 2007.

Arkansas Law Notes through the 2006 Edition.

Arkansas Law Review through Volume 60, p. 353.

University of Arkansas at Little Rock Law Review through Volume 28, p. 744.

A.L.R. 6th through Volume 17, p. 757.

## **Titles of the Arkansas Code**

- |   |  |
|---|--|
| 1. General Provisions   | 16. Practice, Procedure, and Courts                  |
| 2. Agriculture  | 17. Professions, Occupations, and<br>Businesses      |
| 3. Alcoholic Beverages  | 18. Property   |
| 4. Business and Commercial Law  | 19. Public Finance                                   |
| 5. Criminal Offenses  | 20. Public Health and Welfare                        |
| 6. Education  | 21. Public Officers and Employees                    |
| 7. Elections  | 22. Public Property                                  |
| 8. Environmental Law  | 23. Public Utilities and Regulated In-<br>dustries   |
| 9. Family Law   | 24. Retirement and Pensions                          |
| 10. General Assembly  | 25. State Government                                 |
| 11. Labor and Industrial Relations                                      | 26. Taxation   |
| 12. Law Enforcement, Emergency<br>Management, and Military Af-<br>fairs | 27. Transportation                                   |
| 13. Libraries, Archives, and Cultural<br>Resources                      | 28. Wills, Estates, and Fiduciary Re-<br>lationships |
| 14. Local Government  |  |
| 15. Natural Resources and Economic<br>Development                       |  |



## **User's Guide**

Differences in language, subsection order, punctuation, and other variations in the statute text from legislative acts, supplement pamphlets, and previous versions of the bound volume, are editorial changes made at the direction of the Arkansas Code Revision Commission pursuant to the authority granted in § 1-2-303.

Many of the Arkansas Code's research aids, as well as its organization and other features, are described in the User's Guide, which appears near the beginning of the bound Volume 1 of the Code.





# **TITLE 27**

## **TRANSPORTATION**

(CHAPTERS 49-117 IN VOLUME 28B)

### *SUBTITLE 1. GENERAL PROVISIONS*

#### CHAPTER.

1. HIGHWAY AND TRANSPORTATION ACT OF 1977.
2. HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1977.
3. THE ARKANSAS PUBLIC TRANSPORTATION COORDINATION ACT.
- 4-12. [RESERVED.]

### *SUBTITLE 2. MOTOR VEHICLE REGISTRATION AND LICENSING*

#### CHAPTER.

13. GENERAL PROVISIONS.
14. UNIFORM MOTOR VEHICLE ADMINISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT ACT.
15. REGISTRATION AND LICENSING — SPECIAL USES.
16. DRIVER'S LICENSES GENERALLY.
17. DRIVER LICENSE COMPACT.
18. DRIVER EDUCATION PROGRAM.
19. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT.
20. OPERATION OF MOTORIZED CYCLES AND ALL-TERRAIN VEHICLES.
21. ALL-TERRAIN VEHICLES.
22. MOTOR VEHICLE LIABILITY INSURANCE.
23. COMMERCIAL DRIVER LICENSE.
24. SPECIAL LICENSE PLATE ACT OF 2005.
- 25-31. [RESERVED.]

### *SUBTITLE 3. MOTOR VEHICLES AND THEIR EQUIPMENT*

#### CHAPTER.

32. INSPECTION OF MOTOR VEHICLES.
33. VEHICLE EQUIPMENT SAFETY COMPACT.
34. CHILD PASSENGER PROTECTION ACT.
35. SIZE AND LOAD REGULATIONS.
36. LIGHTING REGULATIONS.
37. EQUIPMENT REGULATIONS.
38. AUTOMOTIVE FLUIDS REGULATION.
- 39-48. [RESERVED.]

### *SUBTITLE 4. MOTOR VEHICULAR TRAFFIC*

#### CHAPTER.

49. GENERAL PROVISIONS.
50. PENALTIES AND ENFORCEMENT.
51. OPERATION OF VEHICLES — RULES OF THE ROAD.
52. TRAFFIC-CONTROL DEVICES.
53. ACCIDENTS.
54. NONRESIDENT VIOLATOR COMPACT.
- 55-63. [RESERVED.]

*SUBTITLE 5. HIGHWAYS, ROADS, AND STREETS*

## CHAPTER.

- 64. GENERAL PROVISIONS.
- 65. ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT — STATE HIGHWAY COMMISSION.
- 66. ESTABLISHMENT AND MAINTENANCE GENERALLY.
- 67. STATE HIGHWAY SYSTEM.
- 68. CONTROLLED-ACCESS FACILITIES.
- 69. MISSISSIPPI RIVER PARKWAY (GREAT RIVER ROAD).
- 70. HIGHWAY REVENUE DISTRIBUTION.
- 71. TURNPIKES.
- 72. HIGHWAY REVENUES FOR LOCAL AID.
- 73. HIGHWAY SAFETY.
- 74. HIGHWAY BEAUTIFICATION.
- 75. HIGHWAY CONSTRUCTION COMPACT.
- 76. REGIONAL MOBILITY AUTHORITY ACT.
- 77-84. [RESERVED.]

*SUBTITLE 6. BRIDGES AND FERRIES*

## CHAPTER.

- 85. GENERAL PROVISIONS.
- 86. BRIDGES.
- 87. FERRIES.
- 88. BONDS FOR CONSTRUCTION AND OPERATION.
- 89. INTERSTATE COMPACTS.
- 90. TOLL HIGHWAYS.
- 91-99. [RESERVED.]

*SUBTITLE 7. WATERCOURSES AND NAVIGATION*

## CHAPTER.

- 100. GENERAL PROVISIONS. [RESERVED.]
- 101. WATERCRAFT.
- 102. SALVAGE FROM WATERWAYS.
- 103-113. [RESERVED.]

*SUBTITLE 8. AERONAUTICS*

## CHAPTER.

- 114. GENERAL PROVISIONS.
- 115. ARKANSAS DEPARTMENT OF AERONAUTICS.
- 116. REGULATION OF AIRCRAFT.
- 117. APPROACH ZONES.

***SUBTITLE 1. GENERAL PROVISIONS*****CHAPTER 1****HIGHWAY AND TRANSPORTATION ACT OF 1977**

## SECTION.

- 27-1-101. Title.
- 27-1-102. Legislative intent.
- 27-1-103. Definitions.

## SECTION.

- 27-1-104. Powers of certain entities unabrogated — Coordination expected.

SECTION.

27-1-105. Rail service — Powers and duties.

27-1-106. Mass transit — Findings — Powers and duties.

SECTION.

27-1-107. Rules and regulations — Reorganization.

**Preambles.** Acts 1977, No. 192 contained a preamble which read: "Whereas, the present and the future well-being and mobility of the citizens of the State of Arkansas are dependent upon the universal availability of balanced transportation services coordinating public and private facilities and systems to assure adequate, safe, economical, and efficient transportation; and

"Whereas, Arkansas is a large uncrowded state uniformly rich in natural resources, which is uniquely and best served by highway, road and street transport facilities; and

"Whereas, the low population density is an asset of great value in the context of the Arkansas socio-economic structure and a strongly contributing factor in the State's freedom from many of the burdensome socio-economic problems of the more populous, highly industrialized States; and

"Whereas, the demographic/geographic interface between population and area is and will continue to be predominantly dependent on an adequate highway, road

and street network as the foundation for the multi-modal transport functions upon which contemporary socio-economic structures depend;

"Now, therefore ... ."

**Effective Dates.** Acts 1977, No. 192, § 13: Feb. 17, 1977. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present welfare and future freedom of the citizens of Arkansas require an adequate and balanced transportation system, and it is necessary that this policy be carried out by a State Highway and Transportation Department through continuous, comprehensive, coordinated transportation planning with other agencies of the State having transportation responsibility, local governments, regional planning and transportation agencies or commissions, federal agencies, and private transportation facilities. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval."

RESEARCH REFERENCES

**Am. Jur.** 7A Am. Jur. 2d, Automobiles & Highway Traffic, § 1 et seq.  
39 Am. Jur. 2d, Highways, § 1 et seq.

**C.J.S.** 39A C.J.S., Highways, § 1 et seq.  
60 C.J.S., Motor Vehicles, § 1 et seq.

27-1-101. Title.

This chapter shall be known and may be cited as the "Highway and Transportation Act of 1977".

**History.** Acts 1977, No. 192, § 1, A.S.A. 1947, § 76-2801.

**Publisher's Notes.** Acts 1977, No. 192,

which enacted the "Highway and Transportation Act of 1977," also amended § 27-65-107(a)(1)-(14) and (b).



**27-1-102. Legislative intent.**

(a) It is the declared transportation policy of the General Assembly of the State of Arkansas to enhance the social and economic well-being of the citizenry of this state by requiring coordination of public and private transportation activities and the effective implementation of a safe and efficient total transportation system.

(b)(1) The purpose of this chapter is to effectuate the transportation policy set out in subsection (a) of this section by preparing and coordinating a comprehensive, balanced, multimodal transportation plan for the state, including, but not limited to, airways, highways, railways, waterways, bicycling, mass transit, and other transportation facilities and services, whether publicly or privately owned, developed, operated, or maintained.

(2) To this end, the Arkansas State Highway and Transportation Department is directed to establish and maintain coordination with all agencies of the state having transportation responsibility; local, city, and county governments; regional planning and transportation districts, commissions, and authorities; and private transportation agencies.

(3) The General Assembly further directs that each agency, authority, board, commission, department, and institution of the state and its political subdivisions regularly or intermittently involved in any effort concerning public transportation planning and operation in the state shall inform the department of its transportation plans for the future.

(4) It is further directed that all transportation proposals by any public agency, authority, board, commission, department, or institution of the state and its political subdivisions involving any form of public transportation service to be operated on state highways shall be reviewed by the State Highway Commission as to its economy, effectiveness, efficiency, and equity in the overall transportation function of the state, its reciprocal relationships, and its coordination in the total transportation planning process for the state.

**History.** Acts 1977, No. 192, §§ 2, 3; A.S.A. 1947, §§ 76-2802, 76-2803; Acts 1995, No. 1296, § 90.

**27-1-103. Definitions.**

(a) As used in this chapter:

(1) "Commission" means the State Highway Commission;

(2) "Department" means the Arkansas State Highway and Transportation Department; and

(3) "Service" or "services" means either or both freight and passenger transport, whether by air, land, or water.

(b)(1) Whenever the words, "State Highway Department" are used in any statute, directive, rule, or regulation, they shall be held and taken to mean the Arkansas State Highway and Transportation Department.

(2) Whenever the words “director” or “Director of State Highways” are used in any statute, directive, rule, or regulation, they shall be held to mean the Director of State Highways and Transportation.

**History.** Acts 1977, No. 192, §§ 4, 5;  
A.S.A. 1947, §§ 76-2804, 76-2805.

### **27-1-104. Powers of certain entities unabrogated — Coordination expected.**

(a) In coordinating the statewide transportation planning, the existing authority and responsibilities of local governing bodies, the Public Service Commission, and the Arkansas Transportation Commission [abolished], as provided in §§ 23-2-201 et seq., shall not be abridged or abrogated.

(b) In the area of marine and aviation facilities and services, it is the intent of this chapter that the various state and local airport commissions and the Arkansas Waterways Commission’s authority, powers, and responsibilities shall remain intact. However, they shall inform the Arkansas State Highway and Transportation Department of their plans in order that total transportation planning can be achieved and made available for incorporation in a comprehensive growth plan for the state.

**History.** Acts 1977, No. 192, § 7; A.S.A. 1947, § 76-2806.

**Publisher’s Notes.** Acts 1989 (1st Ex. Sess.), No. 153, § 2, provided, in part: “Wherever the words ‘Arkansas Transportation Commission’ or ‘Transportation

Safety Agency’ are used in any provision of the Code, the Acts of Arkansas or any statute, directive, rule or regulation, they shall be hereafter held and taken to mean the Arkansas State Highway and Transportation Department.”

### **27-1-105. Rail service — Powers and duties.**

(a) The Arkansas State Highway and Transportation Department is authorized to exercise those powers necessary for the state to qualify for rail service preservation subsidies or other transportation assistance pursuant to the provisions of any federal act. The department shall:

(1) Establish a state plan for rail transportation and local rail services;

(2) Administer and coordinate the state plan;

(3) Provide in the plan for the distribution of federal rail service preservation subsidies or other federal assistance; and

(4) Provide satisfactory assurance on behalf of the state that such fiscal control and fund accounting procedures will be adopted by the state as may be necessary to assure proper disbursement of an account for federal funds paid to the state.

(b) The department is authorized to provide financial assistance, within the limits of the funds appropriated for this purpose, for the preservation of operations and maintenance of any railroad within the state, as provided for in relevant federal legislation.



(c) The department may cooperate with other states in connection with the preservation of any rail services within this state. In carrying out the authority conferred by this section, the department may enter into general contractual arrangements with other states.

(d) The department may contract with any domestic or foreign person, firm, corporation, agency, or government to provide, maintain, or improve rail transportation service within this state.

**History.** Acts 1977, No. 192, § 8; A.S.A. 1947, § 76-2807.

### **27-1-106. Mass transit — Findings — Powers and duties.**

(a) The General Assembly finds that:

(1) Transportation is a critical problem for the elderly, individuals with disabilities, and others without access to the use of a private automobile;

(2) Public transportation in the rural and small urban areas in Arkansas is lacking;

(3) Public transportation in many instances is no longer a profitable undertaking for private enterprise acting alone;

(4) Public subsidy of public transportation, whether privately or publicly operated, is often necessary to provide needed transportation services;

(5) The variety of federal, state, and local activities in providing public transportation services requires coordination for optimal utilization of and maximum benefit from public resources;

(6) Communities require technical assistance in addressing their public transportation needs; and

(7) It is in the best interest of the people of Arkansas to develop programs providing solutions for the above concerns.

(b) To this end, the Arkansas State Highway and Transportation Department shall:

(1) Coordinate research into the problems of mass transit and reasonable solutions; and

(2) Realize the economies of organized coordinated transport service in order to eliminate the substantial waste in uncoordinated and often duplicated efforts which are particularly troublesome in view of the limited fiscal resources of the smaller urbanized areas and urban places peculiar to the Arkansas demographic situation.

(c) The department is authorized to exercise those powers necessary for the state to qualify for urban mass transportation administration funds and any other public transit funds or other transportation assistance pursuant to the provisions of any federal or state act.

(d) The department is authorized to provide financial assistance within the limits of the funds appropriated for this purpose for capital or operating assistance to urban mass transportation systems within the state as provided for in relevant federal or state legislation.

(e) The department may cooperate with other states in connection with the improving, initiating, maintaining, planning, or preserving of

any public transit program within this state. In carrying out the authority conferred by this subsection, the department may enter into general contractual arrangements with other states.

(f) The department may contract with any domestic or foreign person, firm, corporation, agency, or government to improve, initiate, maintain, plan, or preserve any public transit service within this state.

**History.** Acts 1977, No. 192, § 9; A.S.A. 1947, § 76-2808; Acts 1997, No. 208, § 29.  
**A.C.R.C. Notes.** Acts 1997, No. 208, § 1, codified as § 22-4-408, provided: "Legislative intent and purpose. The General Assembly hereby acknowledges that many of the laws relating to individuals with disabilities are antiquated, function-

ally outmoded, derogatory, ambiguous or are inconsistent with more recently enacted provisions of the law. Consequently, it is the intent of the General Assembly and the purpose of this act to clarify the relevant chapters of Titles 1, 6, 9, 13, 14, 16, 17, 20, 22, 23, and 27 of the Arkansas Code Annotated of 1987."

**27-1-107. Rules and regulations — Reorganization.**

The Arkansas State Highway and Transportation Department shall adopt and promulgate reasonable rules and regulations and reorganize as necessary to carry out the responsibilities delegated to it under this chapter.

**History.** Acts 1977, No. 192, § 10; A.S.A. 1947, § 76-2809.

**CHAPTER 2**

**HAZARDOUS MATERIALS TRANSPORTATION ACT OF 1977**

- SECTION.  
 27-2-101. Title.  
 27-2-102. Definitions.  
 27-2-103. Prohibited acts — Exceptions.  
 27-2-104. Violations.  
 27-2-105. Enforcement.  
 27-2-106. Additional regulations authorized.

- SECTION.  
 27-2-107. No additional requirements imposed on railroads.  
 27-2-108. Conformity with Arkansas Administrative Procedure Act.

**Cross References.** Management of hazardous waste, § 8-7-201 et seq.  
 No civil liability for good samaritans assisting at hazardous materials accidents, § 8-7-101.  
**Effective Dates.** Acts 1977, No. 421, § 11: Mar. 15, 1977. Emergency clause provided: "It has been found and is declared by the General Assembly of the State of Arkansas that the transportation of hazardous materials in immediate containers which do not bear adequate warnings, the failure of carriers to use ad-

equate immediate containers, the failure of carriers to provide adequate emergency equipment to deal with escaping hazardous materials and the failure of public authorities to receive prompt notice of such escapes present an intolerable hazard to the safety of the people of Arkansas, and to the environment of the State; that there is an urgent need to require the labeling of immediate containers of hazardous materials, the use of adequate immediate containers and to provide for adequate emergency equipment and the

prompt notification of public authorities of the escape of such materials; and that this Act is designed to correct this situation and should be given effect at the earliest possible date. Therefore, an emergency is declared to exist, and this Act being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its passage and approval."

Acts 1991, No. 769, § 5: July 1, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly of the State of Arkansas that Arkansas Code § 27-2-103 is incompatible with Federal Motor Carrier Safety Regulations; that unless Arkansas Code § 27-2-1032 is amended, the federal funds received by the State for highway safety programs of this State will be in jeopardy; that such federal funds are essential to the highway safety programs of this State, in particular federal funds received by the State under the Motor Carrier Safety Assistance Program (MC-SAP) which funds are utilized in assisting the monitoring and enforcement of the safety of trucks on this State's highways, roads, and streets; and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 1991, could work irreparable harm upon the proper administration and provision of this essential highway safety program. Therefore, an emergency is hereby declared to exist and

this act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 1991."

Acts 1999, No. 1255, § 5: Apr. 8, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that unless certain limited exemptions available to transporters of hazardous materials, which exemptions are allowable in accordance with United States Department of Transportation regulations, are specifically authorized by state law, these exemptions will not be available to such transporters. It is further found that unless these exemptions are authorized, a hardship will result to such transporters, including farmers transporting agricultural products, as well as transporters of petroleum products, and, in order to avoid this hardship, this act should take effect immediately upon its passage and approval. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

## RESEARCH REFERENCES

**Am. Jur.** 61C Am. Jur. 2d, Poll. Cont., § 1156 et seq.

### 27-2-101. Title.

This chapter shall be known as and may be cited as the "Hazardous Materials Transportation Act of 1977".

**History.** Acts 1977, No. 421, § 1; A.S.A. 1947, § 76-2901.

**Cross References.** Arkansas Hazard-

ous and Toxic Materials Emergency Notification Act, § 12-79-101 et seq.



**27-2-102. Definitions.**

As used in this chapter:

(1) "A label which provides an adequate warning" means a label firmly affixed, clearly legible, conspicuously displayed, and readily accessible for reading which meets the following standards:

(A) Standards established by the laws or regulations of the United States, or by any agency of the United States, and in effect on March 15, 1977, affirmatively requiring the use of a label on containers of hazardous materials;

(B) Standards established by the Arkansas Pesticide Control Act, § 2-16-401 et seq., and regulations adopted pursuant to it affirmatively requiring the use of a label on containers of hazardous materials;

(C) Standards established by the Arkansas State Highway and Transportation Department, by regulation, with reference to labeling of containers of hazardous materials; or

(D) In the absence of applicable standards in any of the preceding categories, the following standards:

(i) The name and place of business of the manufacturer, packer, distributor, or seller;

(ii) The common or usual name, if any, the chemical name, and the chemical composition of the hazardous material;

(iii) The signal word "DANGER" on substances which are extremely flammable, combustible, corrosive, or highly toxic;

(iv) The signal word "WARNING" or "CAUTION" on all other hazardous materials;

(v) An affirmative statement of the principal hazard or hazards such as "Flammable", "Combustible", "Vapor harmful", "Causes burns", "Absorbed through skin", or similar wording descriptive of the hazard;

(vi) Precautionary measures describing the action to be followed or avoided;

(vii) Instructions, when necessary or appropriate, for first aid treatment;

(viii) The word "POISON" for any hazardous material which is capable of producing substantial personal injury or illness to human beings through ingestion, inhalation, or absorption through any body surface; and

(ix) Instructions for handling and storage of containers which require special care in handling or storage;

(2) "Adequate emergency equipment" means equipment and procedures for the use of such equipment which are:

(A) Reasonably adapted to the containment or neutralization of hazardous materials which escape from immediate containers;

(B) Reasonably transportable in or on the transporting equipment;

(C) Reasonably operable by the operator of the transporting equipment;



(D) Reasonably available; and

(E) Otherwise required, by regulation, by the department;

(3) "Adequate immediate container" means an immediate container which meets all applicable standards established by the laws of the United States, or by any agency of the United States by regulation in effect on March 15, 1977, or by the department, by regulation, with reference to the adequacy of such a container to contain the materials within it. In the absence of applicable standards, an "adequate immediate container" means a container designed and constructed so as to contain the items or substances within it without escape during any customary or reasonably foreseeable handling or use during transportation;

(4) "Carrier" means a person engaged, directly or by agent or employee, in the transportation of property by land, air, or water as a common, contract, or private carrier;

(5) "Department" means Arkansas State Highway and Transportation Department;

(6) "Hazardous material" means any substance or mixture of substances which:

(A) Is toxic;

(B) Is corrosive;

(C) Is an irritant;

(D) Is a strong sensitizer;

(E) Is flammable or combustible;

(F) Generates pressure through decomposition, heat, or other means;

(G) Has been defined as such by the laws of the United States or by an agency of the United States, by regulation; or

(H) Has been defined as such by the department, by regulation.

It is the purpose of this definition to include any and all substances or mixtures of substances which pose a significant risk of substantial personal injury or substantial illness or substantial pollution to land, water, or air of Arkansas as a result of the unforeseen escape of such a substance or mixtures of substances during transportation;

(7) "Immediate container" means any receptacle which is designed to contain items or substances and prevent their escape into the environment. This definition includes, but is not limited to, bottles, boxes, cans, drums, chemical tank cars, and tank trucks;

(8) "Transport" means shipping or transportation of property by carrier where the shipping or transportation is in furtherance, incidentally or necessarily, of the business of the carrier; and

(9) All terms not otherwise defined in this section shall have the same definitions as set forth in §§ 23-13-203 and 23-13-206 unless clearly inconsistent with the purposes of this chapter.

**27-2-103. Prohibited acts — Exceptions.**

(a) It shall be unlawful for any person to knowingly:

(1) Transport or cause to be transported within this state hazardous material in an immediate container which does not bear a label which provides an adequate warning;

(2) Transport or cause to be transported within this state hazardous material in an immediate container without carrying adequate emergency equipment;

(3) Transport or cause to be transported within this state a hazardous material in a container other than an adequate immediate container;

(4) Fail to utilize adequate emergency equipment promptly and properly, to the extent possible without serious risk of personal injury, in order to deal with the escape of a hazardous material from its immediate container when the person is the operator of the transporting equipment;

(5) Fail to notify the Department of Arkansas State Police as promptly as reasonably possible of the escape of a hazardous material from its immediate container when the person is the carrier or is the operator of the transporting equipment; or

(6) Violate any regulation promulgated by the State Highway Commission pursuant to this chapter.

(b)(1) Any and all exceptions to the requirements contained in subsection (a) of this section allowed transporters of agricultural products, petroleum products, a material of trade, or any others, as set out in 49 C.F.R. pt. 173, including, but not limited to, 49 C.F.R. §§ 173.5, 173.6, and 173.8, shall be allowable to such transporters provided that all the requirements to avail these transporters of those exemptions, which requirements are set out in these United States Department of Transportation regulations, are met by such transporters.

(2) Further provided, if the United States Department of Transportation or the United States Congress adopts exceptions greater than those currently allowed transporters of hazardous materials in 49 C.F.R. pt. 173, the Arkansas State Highway and Transportation Department may adopt such comparable exemptions as are applicable to such transporters while utilizing the highways of this state.

(c) The provisions of subdivision (a)(5) of this section shall not apply to persons while operating farm vehicles of whatever size upon agricultural land owned, leased, or rented by the persons or their employers.

**History.** Acts 1977, No. 421, §§ 6, 7; A.S.A. 1947, §§ 76-2906, 76-2907; Acts 1991, No. 769, § 1; 1999, No. 1255, § 1.

**27-2-104. Violations.**

(a) Violation of any provisions of § 27-2-103 is a Class A misdemeanor.

(b) Each violation of this chapter and each noncomplying immediate container transported in violation of it shall constitute a separate offense.

**History.** Acts 1977, No. 421, § 8; A.S.A. 1947, § 76-2908.

**27-2-105. Enforcement.**

The enforcement personnel of the Department of Arkansas State Police and enforcement personnel of the Arkansas State Highway and Transportation Department shall have the authority to enforce the provisions of this chapter.

**History.** Acts 1977, No. 421, § 5; A.S.A. 1947, § 76-2905.

**27-2-106. Additional regulations authorized.**

(a)(1) In addition to the specific authority granted to the Arkansas State Highway and Transportation Department by this chapter to define terms and impose additional requirements, by regulation, the department shall have the authority to promulgate additional regulations, in the manner provided by law, in furtherance of this chapter.

(2) These regulations may include, but are not limited to, the establishment of reasonable safeguards in the transportation of hazardous materials, including, as the department finds appropriate, the use of escort vehicles and the temporary prohibition of transportation of hazardous materials during unsafe conditions, the establishment of a system requiring notification of public authorities prior to transportation of hazardous materials, the adoption by reference of laws or regulations of the United States, and the maintenance of records.

(b) The department is empowered to enforce this chapter by any and all civil or criminal remedies provided by law.

(c) All portions of this chapter, except this section, shall be fully operable and effective without the enactment of regulations by the department.

(d) Nothing contained within this chapter or requirements imposed by it shall be construed so as to relieve any person from the necessity of complying with any applicable laws or regulations of the United States.

**History.** Acts 1977, No. 421, § 3; A.S.A. 1947, § 76-2903.



**27-2-107. No additional requirements imposed on railroads.**

Nothing contained in this chapter shall be construed as imposing any requirement or obligation on railroad carriers beyond the requirements and obligations imposed upon railroad carriers by applicable laws and regulations of the United States, including, without limitation, those pertaining to immediate containers, adequate immediate containers, adequate emergency equipment, if any, and labeling, all to the end that any railroad carrier which is in compliance with the laws and regulations of the United States shall be deemed to be in compliance with this chapter.

**History.** Acts 1977, No. 421, § 7; A.S.A. 1947, § 76-2907.

**27-2-108. Conformity with Arkansas Administrative Procedure Act.**

All rules and regulations proposed and adopted by the Arkansas State Highway and Transportation Department pursuant to this chapter and all other actions of the department taken pursuant to the authority and responsibility prescribed in this chapter shall be in conformity with the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

**History.** Acts 1977, No. 421, § 4; A.S.A. 1947, § 76-2904.

**CHAPTER 3**

**THE ARKANSAS PUBLIC TRANSPORTATION COORDINATION ACT**

**SECTION.**

- 27-3-101. Title.
- 27-3-102. Legislative determination.
- 27-3-103. Arkansas Public Transportation Coordination Council established.

**SECTION.**

- 27-3-104. Definitions.
- 27-3-105. Purpose — Rights and responsibilities.
- 27-3-106. Administrative support.
- 27-3-107. Interagency support.

**Effective Dates.** Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup

act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by

the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 1997, No. 1354, § 51: Apr. 14, 1997. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act affects the method of selection of alternate members of the Legislative Council and Legislative Joint Auditing Committee and that this act is immediately necessary for proper continuity and efficiency in State government. Therefore an emer-

gency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

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### **27-3-101. Title.**

This chapter may be known and may be cited as the “Arkansas Public Transportation Coordination Act”.

**History.** Acts 1993, No. 353, § 1.

### **27-3-102. Legislative determination.**

Adequate and efficient public transportation is essential to the well-being of many of our state’s citizens and the economic growth of both urban and rural areas. It is the purpose and intent of this chapter to have a general public transportation policy which encourages the planning, development, implementation, operation, and evaluation of efficient and coordinated transportation systems, both public and private. While the leadership and coordination in the development of public transportation policy and programs is vested in the Arkansas State Highway and Transportation Department by statutory authority, a number of departments, agencies, and other legally constituted bodies are involved in the implementation and operation of public transportation services, and such policy and programs should be developed with their advice and recommendations.

**History.** Acts 1993, No. 353, § 2.

### **27-3-103. Arkansas Public Transportation Coordination Council established.**

(a) There is hereby established the Arkansas Public Transportation Coordination Council, which shall consist of twelve (12) members.

(b) The members shall be as follows:

(1)(A) There shall be three (3) members of the Arkansas Public Transportation Coordination Council appointed by the Governor to serve for terms of four (4) years:

(i) One (1) member shall be appointed to represent the transit operators and shall be directly involved with the management of a public transit system;

(ii) One (1) member shall be appointed to represent the consumers of public transportation services; and

(iii) One (1) member shall be appointed as a member at large.

(B) In the event of a vacancy on the Arkansas Public Transportation Coordination Council of one (1) of the gubernatorial positions due to death, resignation, or other reason, the vacancy shall be filled for the unexpired portion of the term by appointment of the Governor of a person meeting the same qualifications as are required for the initial appointment;

(2) The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint one (1) person to serve at their pleasure who is not a member of the General Assembly;

(3) The remaining seven (7) members of the Arkansas Public Transportation Coordination Council shall be:

(A) The Director of the Department of Human Services or his or her designee;

(B) The Director of State Highways and Transportation or his or her designee;

(C) The Director of the Department of Health or his or her designee;

(D) The Director of the Arkansas Economic Development Council or his or her designee;

(E) The Director of the Department of Rural Services or his or her designee;

(F) The Director of the University of Arkansas Cooperative Extension Service or his or her designee; and

(G) The Chair of the Temporary Assistance for Needy Families Oversight Board or his or her successor or designee.

(c) The Arkansas Public Transportation Coordination Council shall elect by majority vote one (1) of its members to serve as chair and one (1) of its members to serve as vice chair for such terms as are determined by the Arkansas Public Transportation Coordination Council.

(d) The Arkansas Public Transportation Coordination Council shall have the power to prescribe and issue, pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq., such reasonable rules and regulations as may be necessary to carry out the provisions of this chapter.

(e) The Arkansas Public Transportation Coordination Council shall meet at the call of the chair.

(f) Seven (7) members of the Arkansas Public Transportation Coordination Council constitute a quorum, and a majority vote of the members present is necessary for any action taken by the Arkansas Public Transportation Coordination Council.

(g) The members of the Arkansas Public Transportation Coordination Council shall serve without compensation provided that in the



event that funds shall be available for such purposes, the members may receive expense reimbursement as provided in § 25-16-901 et seq.

**History.** Acts 1993, No. 353, § 3; 1997, No. 1354, § 45; 1999, No. 935, § 8; 1999, No. 250, § 245; 1997, No. 540, § 61; 1997, No. 991, § 1; 2001, No. 1288, § 26.

### **27-3-104. Definitions.**

As used in this chapter:

(1) "Coordination" means the arrangement for the provision of transportation to the general public in a manner that is cost effective, efficient, and reduces fragmentation and duplication of services;

(2) "Council" means the Arkansas Public Transportation Coordination Council;

(3) "Department" means the Arkansas State Highway and Transportation Department;

(4) "Federal agency" means any department, office, council, or agency of the federal government;

(5) "Local agency" means any entity of a city, town, municipality, county, or other local governing body or a private nonprofit transportation service-providing agency;

(6) "Public transportation" means every conveyance of human passengers by bus, van, or any other ground surface vehicle which is provided to the general public or selected groups thereof on a regular or continuing basis;

(7) "State" means the State of Arkansas;

(8) "State agency" means any department, board, commission, office, or agency of the State of Arkansas; and

(9) "Transportation disadvantaged" means those persons who because of physical or mental disability, income status, or age are unable to transport themselves and are therefore dependent upon others for transportation services.

**History.** Acts 1993, No. 353, § 4.

### **27-3-105. Purpose — Rights and responsibilities.**

(a) The Arkansas Public Transportation Coordination Council, by and through the Arkansas State Highway and Transportation Department, is to accomplish the coordination of transportation services provided to the general public, particularly the transportation disadvantaged.

(b) The goal of this coordination shall be to assure the cost effective provision of public transportation by qualified transportation operators.

(c) In carrying out this purpose, the council shall:

(1) Serve as a clearinghouse for information relating to public transportation services, funding sources, innovations, and coordination efforts;

(2) Establish statewide objectives for providing public transportation services for the general public, particularly the transportation disadvantaged;

(3) Develop policies and procedures for the coordination of federal, state, and local funding for public transportation facilities and services;

(4) Identify barriers prohibiting the coordination and accessibility of public transportation services and aggressively pursue the elimination of these barriers;

(5) Assist communities in developing public transportation systems available for public use, with special emphasis on serving the transportation disadvantaged;

(6) Assure that all procedures, guidelines, and directives issued by state agencies are conducive to the coordination of public transportation services and facilities;

(7) Develop standards covering coordination, operation, costs, and utilization of public transportation services;

(8)(A) Through the department, have the authority to apply for and accept funds, grants, gifts, and services from federal, state, local, or private funding sources.

(B) Funds acquired or accepted under subdivision (c)(8)(A) of this section shall be solely for the purpose of carrying out the council's responsibilities;

(9)(A) Review, monitor, and coordinate all funding requests for state and federal grants to be used for the provision of public transportation services.

(B) Such funds shall be available only to those entities participating in an approved coordinated transportation system or an entity which has been granted a waiver by the council; and

(10) Coordinate all public transportation programs with the appropriate local, state, and federal agencies and public transit agencies to ensure compatibility with existing transportation systems.

**History.** Acts 1993, No. 353, § 6.

### **27-3-106. Administrative support.**

(a) Administrative support shall be provided by the Arkansas State Highway and Transportation Department.

(b) The department shall employ such personnel as may be necessary to perform adequately the functions of the Arkansas Public Transportation Coordination Council within the limitations of the department's biennial appropriations act.

(c) The department may utilize any state-appropriated funds or federal funds available for such purposes.

**History.** Acts 1993, No. 353, § 5.

**27-3-107. Interagency support.**

(a) To implement the highest level of interagency cooperation, each state agency whose functions involve the administration of programs which directly or indirectly fund the purchase of public transportation services, equipment, facilities, or support operating assistance shall be required to issue policies advocating support for coordinated public transportation and the recommendations coming forth from the Arkansas Public Transportation Coordination Council.

(b) Each state agency which is requested by the council to submit information necessary to carry out the purpose of this chapter shall do so in a cooperative and timely manner.

**History.** Acts 1993, No. 353, § 7.

**CHAPTERS 4-12**

[Reserved]

***SUBTITLE 2. MOTOR VEHICLE REGISTRATION AND LICENSING***

**CHAPTER 13**  
**GENERAL PROVISIONS**

**SECTION.**

27-13-101. [Repealed.]

27-13-102. Proof of insurance required.

**SECTION.**

27-13-103. Regulations.

27-13-104. [Repealed.]

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**Effective Dates.** Acts 1997, No. 974,  
§ 21: Jan. 1, 1998.

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**27-13-101. [Repealed.]**

**Publisher's Notes.** This section, concerning payment of personal property taxes as condition to registration or renewal, was repealed by Acts 1997, No.

974, § 6, effective January 1, 1998. The section was derived from: Acts 1981, No. 927, § 3; A.S.A. 1947, § 84-494.2; Acts 1987, No. 621, §§ 5, 7.

**27-13-102. Proof of insurance required.**

(a)(1) Prior to January 1, 1998, no motor vehicle license plate shall be issued or renewed without satisfactory proof to the Department of Finance and Administration that the applicant meets the requirements of § 27-22-101 et seq.



(2) Beginning January 1, 1998, no motor vehicle license plate shall be issued or renewed unless a check of the Vehicle Insurance Database indicates that the applicant meets the requirements of § 27-22-101 et seq. or unless the applicant provides satisfactory proof to the department that the applicant's vehicle meets the motor vehicle liability insurance requirements of § 27-22-101 et seq.

(3) No new license plate shall be issued or renewed for a new motor vehicle for its initial vehicle registration or for a motor vehicle changing its ownership without satisfactory proof to the department that the applicant meets the requirements of § 27-22-101 et seq.

(b) The department shall not be liable for any damages to any property or person due to any act or omission in the keeping of any record under § 27-22-101 et seq. or the issuing or renewing of any motor vehicle license plate.

(c) The provisions of this section shall not be applicable to state-owned vehicles nor to state employees while operating the state-owned vehicles.

**History.** Acts 1987, No. 442, §§ 3, 6; 1987, No. 971, § 1; 1997, No. 991, § 6.

**A.C.R.C. Notes.** Acts 1987, No. 474, § 4, also enacted an exemption for state employees driving state-owned vehicles which has not been codified as its language varies only slightly from that of subsection (c) of this section.

**Publisher's Notes.** This section was

repealed by Acts 1997, No. 974, § 7, effective January 1, 1998; however, the amendment of this section by Acts 1997, No. 991 may supersede its repeal by Acts 1997, No. 974. See §§ 1-2-207 and 1-2-303.

**Cross References.** Automobile liability insurance generally, § 23-89-201 et seq.

## RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Survey — Insurance, 10 U. Ark. Little Rock L.J. 587.

**Am. Jur.** 7A Am. Jur. 2d, Auto., § 189 et seq.

**C.J.S.** 60 C.J.S., Motor vehicles, § 156 et seq.

## 27-13-103. Regulations.

The Director of the Department of Finance and Administration shall have the authority to promulgate such regulations as are necessary to implement and administer the provisions of this act.

**History.** Acts 1997, No. 974, § 19.

**Meaning of "this act".** Acts 1997, No. 974, codified as §§ 19-6-301, 22-3-1225, 26-26-706, 27-13-103, 27-14-607, 27-14-

608, 27-14-1015, 27-14-1021, 27-14-1207, 27-32-101, 27-32-102, 27-32-201 [repealed].

## 27-13-104. [Repealed.]

**Publisher's Notes.** This section, concerning voluntary contributions to Organ Donor Awareness Education Trust Fund,

was repealed by Acts 2005, No. 896, § 2. The section was derived from Acts 2003, No. 1362, § 3[6].

## CHAPTER 14

UNIFORM MOTOR VEHICLE ADMINISTRATION,  
CERTIFICATE OF TITLE, AND ANTITHEFT ACT

## SUBCHAPTER.

1. GENERAL PROVISIONS.
2. DEFINITIONS.
3. PENALTIES AND ADMINISTRATIVE SANCTIONS.
4. OFFICE OF MOTOR VEHICLE.
5. COMMISSION FOR RECIPROCAL AGREEMENTS.
6. REGISTRATION AND LICENSE FEES.
7. REGISTRATION AND CERTIFICATES OF TITLE.
8. LIENS AND ENCUMBRANCES.
9. TRANSFERS OF TITLE AND REGISTRATION.
10. PERMANENT AUTOMOBILE LICENSING ACT.
11. SPECIAL PERSONALIZED PRESTIGE LICENSE PLATES.
12. PERMANENT TRAILER LICENSING ACT.
13. TRUCKS AND TRAILERS.
14. BUSES.
15. TAXICABS.
16. MANUFACTURED HOMES AND MOBILE HOMES.
17. PLATES FOR MANUFACTURERS, TRANSPORTERS, AND DEALERS.
18. VEHICLES IN TRANSIT TO DEALERS.
19. TRANSPORTING OF MOTOR HOMES BY MANUFACTURERS.
20. LICENSING OF DEALERS AND WRECKERS.
21. DRIVE-OUT TAGS.
22. THEFT OF VEHICLES AND PARTS.
23. DISCLOSURE OF DAMAGE AND REPAIR ON THE CERTIFICATE OF TITLE.
24. TEMPORARY REGISTRATION EXEMPTION. [REPEALED.]

**A.C.R.C. Notes.** References to "this chapter" in subchapters 1-22 may not apply to §§ 27-14-1021 and subchapter 23, which were enacted subsequently.

References to "this chapter" in subchapters 1-22 may not apply to § 27-14-305, which was not enacted by Acts 1949, No. 142.

References to "this chapter" in subchap-

ters 1-9, 11-23, and §§ 27-14-1001 to 27-14-1020 may not apply to § 27-14-1021 which was enacted subsequently.

**Cross References.** Operation of golf carts on city streets, § 14-54-1410.

Registration and licensing — Special uses, §§ 27-15-101 et seq. and 27-24-101 et seq.

## RESEARCH REFERENCES

**A.L.R.** What constitutes farm vehicle, construction equipment, or vehicle temporarily on highway exempt from registration as motor vehicle. 27 A.L.R.4th 843.

**Am. Jur.** 7A Am. Jur. 2d, Auto., § 55 et seq.

**Ark. L. Rev.** Acts 1949 General Assembly — Act 142 Motor-Vehicle Administration Registration, Certificate of Title, and Antitheft Act, 3 Ark. L. Rev. 381.

**C.J.S.** 60 C.J.S., Motor Veh., § 156 et seq.

# SUBCHAPTER 1 — GENERAL PROVISIONS

## SECTION.

27-14-101. Title.

27-14-102. Construction.

## 27-14-101. Title.

This chapter may be cited as the “Uniform Motor Vehicle Administration, Certificate of Title, and Antitheft Act”.

**History.** Acts 1949, No. 142, § 90; Chapter 15 of this title may be considered as the “Motor Vehicle Code” of Arkansas.

**Publisher’s Notes.** This chapter and

## 27-14-102. Construction.

This chapter shall be so interpreted and construed as to effectuate its general purpose.

**History.** Acts 1949, No. 142, § 89; A.S.A. 1947, § 75-189.

# SUBCHAPTER 2 — DEFINITIONS

## SECTION.

27-14-201. Applicability.

27-14-202. Commissioner and office.

27-14-203. Person and owner.

27-14-204. Nonresident and resident.

27-14-205. Dealer, transporter, and manufacturer.

27-14-206. Established place of business.

27-14-207. Definitions.

27-14-208. Foreign vehicle.

## SECTION.

27-14-209. Trucks.

27-14-210. Trailers.

27-14-211. Special mobile equipment.

27-14-212. Implements of husbandry.

27-14-213. Specially constructed and re-constructed vehicles.

27-14-214. Essential parts.

27-14-215. Tires.

27-14-216. Street or highway.

**Effective Dates.** Acts 1993, No. 445, § 46; Mar. 10, 1993. Emergency clause provided: “It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms ‘operator’s license’ and ‘chauffeur’s license’ are obsolete and should be replaced with the term ‘driver’s license’; that the chauffeur’s license is no longer issued and has been replaced with the commercial driver’s license; that federal law governing commercial driver’s license authorizes the use of an assigned number on a commercial driver’s license instead of the applicant’s social security number; and that this act is necessary to eliminate

obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver’s license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 2003, No. 1473, § 74: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act includes technical corrects to Act 923 of 2003 which establishes the classification and compensation levels of state employ-



ees covered by the provisions of the Uniform Classification and Compensation Act; that Act 923 of 2003 will become effective on July 1, 2003; and that to avoid confusion this act must also [become] ef-

fective on July 1, 2003. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003."

### CASE NOTES

**Cited:** Mears v. Rood, 233 Ark. 484, 345 S.W.2d 374 (1961).

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#### 27-14-201. Applicability.

As used in this chapter, words and phrases shall have the meanings defined in this subchapter, unless the context otherwise requires.

**History.** Acts 1949, No. 142, § 1; A.S.A. 1947, § 75-101.

#### 27-14-202. Commissioner and office.

(a) "Commissioner" means the Director of the Department of Finance and Administration acting in his capacity as Commissioner of Motor Vehicles in this state.

(b) "Office" means the Office of Motor Vehicle of this state acting directly or through its duly authorized officers and agents.

**History.** Acts 1949, No. 142, § 10; A.S.A. 1947, § 75-110.

#### 27-14-203. Person and owner.

(a) "Person" means every natural person, firm, copartnership, association, or corporation.

(b) "Owner" means a person who holds the legal title of a vehicle. In the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

**History.** Acts 1949, No. 142, § 11; A.S.A. 1947, § 75-111.

## CASE NOTES

## ANALYSIS

Bill of Sale.  
 Certificate of Title.  
 Conditional Vendee.  
 Effect of Downpayment.  
 Recovery of Vehicle from Innocent Purchaser.

**Bill of Sale.**

Bill of sale by truck owner in payment of attorney's fees was an absolute conveyance of his interest and not a conditional sale or mortgage. *House v. Hodges*, 227 Ark. 458, 299 S.W.2d 201 (1957).

**Certificate of Title.**

Where truck owner transferred truck to attorney in payment of attorney's fees, failure of attorney to obtain the certificate of title at the time he received the bill of sale did not deprive him of title, for the certificate of title is not title itself but only evidence of it. *House v. Hodges*, 227 Ark. 458, 299 S.W.2d 201 (1957).

Summary judgment in favor of the government in a forfeiture action of a car brought under 21 U.S.C.S. § 881(a)(4) and (j) was reversed because, under Arkansas law, it was clear that both claimants had U.S. Const. art. III standing to challenge the forfeiture under 18 U.S.C.S. § 983(a)(4) & (d); the grandmother had the greatest financial stake in the car and, under this section, the mother was the owner of the car because she held legal

title as the registered owner under § 27-14-713, although there was evidence that the mother had only "bare legal title" that was sufficient to confer Article III standing to contest the forfeiture. *United States v. One Lincoln Navigator 1998*, 328 F.3d 1011 (8th Cir. 2003).

**Conditional Vendee.**

Conditional vendee of a motor vehicle is the owner for insurance purposes even though the vendee has not received a certificate of title. *Olin Mathieson Chem. Corp. v. Southwest Cas. Co.*, 149 F. Supp. 600 (W.D. Ark. 1957).

**Effect of Downpayment.**

The fact that an automobile was registered in the name of the alleged owner at the time of a mishap was evidence of title in the alleged owner despite evidence that the driver had paid the alleged owner a down payment on the automobile before the mishap. *Rook v. Moseley*, 236 Ark. 290, 365 S.W.2d 718 (1963).

**Recovery of Vehicle from Innocent Purchaser.**

The giving of an invoice upon sale of motor vehicle by dealer was not such indicia of ownership as would estop dealer from recovering automobile from innocent purchaser after original purchaser's check was found to be fraudulent. *Dobbins v. Martin Buick Co.*, 216 Ark. 861, 227 S.W.2d 620 (1950) (decision under prior law).

**27-14-204. Nonresident and resident.**

(a) "Nonresident" means every person who is not a resident of this state.

(b)(1) "Resident" shall mean any person who:

(A) Remains in this state for a period of more than six (6) months;

(B) Resides in this state due to a change of abode; or

(C) Is domiciled in this state on a temporary or permanent basis.

(2) The term "resident" shall not include any person who is in this state as a student.

**History.** Acts 1949, No. 142, § 12; A.S.A. 1947, § 75-112; Acts 1993, No. 445, § 39; 1999, No. 912, § 1.

**27-14-205. Dealer, transporter, and manufacturer.**

(a) "Dealer" means every person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered under this chapter and who has an established place of business for that purpose in this state.

(b) "Transporter" means every person engaged in the business of delivering vehicles of a type required to be registered under this chapter from a manufacturing, assembly, or distributing plant to dealers or sales agents of a manufacturer.

(c) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered under this chapter at an established place of business in this state.

**History.** Acts 1949, No. 142, § 13;  
A.S.A. 1947, § 75-113.

**27-14-206. Established place of business.**

"Established place of business" means the place actually occupied, either continuously or at regular periods, by a dealer or manufacturer, where his books and records are kept and a large share of his business is transacted.

**History.** Acts 1949, No. 142, § 14;  
A.S.A. 1947, § 75-114.

**27-14-207. Definitions.**

As used in this chapter:

(1) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(2) "Manufactured home" means a dwelling unit constructed in a factory in accordance with the federal Manufactured Home Construction and Safety Standards Act;

(3) "Mobile home" means a dwelling unit constructed in a factory prior to the enactment of the federal Manufactured Home Construction and Safety Standards Act;

(4) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, excluding a tractor;

(5) "Motor home" means a motor vehicle designed to provide temporary living quarters, built onto an integral part of, or permanently attached to, a self-propelled motor vehicle chassis. The vehicle must contain permanently installed independent life-support systems;

(6) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;



(7) “School bus” means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school; and

(8) “Vehicle” means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

**History.** Acts 1949, No. 142, § 2; 1959, No. 307, § 1; 1973, No. 596, § 1; A.S.A. 1947, § 75-102; Acts 1991, No. 730, § 2; 2003, No. 1473, § 67; 2005, No. 1991, § 4.

**Amendments.** The 2005 amendment inserted (2) and redesignated the remaining subdivisions accordingly; rewrote

present (3); and made minor punctuation and stylistic changes.

**U.S. Code.** The Manufactured Home Construction and Safety Standards Act referred to in this section is codified at 42 U.S.C. § 5401 et seq.

## CASE NOTES

### ANALYSIS

Boats.  
Motor Vehicles.

#### Boats.

Subdivisions (6) and (8) of this section have no reference to boats. *Weber v. State*, 250 Ark. 566, 466 S.W.2d 257 (1971).

#### Motor Vehicles.

An all-terrain vehicle meets the definition of a motor vehicle as set out in this section, since all-terrain vehicles are self-propelled and do not require rails; the term motor vehicle, as used in § 5-65-103, also includes all-terrain vehicles. *Fitch v. State*, 313 Ark. 122, 853 S.W.2d 874 (1993).

Where an insurance policy definition limits “motor vehicle” to one “designed to be used” (not merely used) on public roads, such a definition is narrower than that contemplated by Arkansas’ statutory law. *Nationwide Mut. Ins. Co. v. Worthey*, 314 Ark. 185, 861 S.W.2d 307 (1993).

A Trail 70 vehicle with a 70 cc engine is a motor vehicle, specifically, a motor-driven cycle, and, when used upon public streets, is subject to Arkansas’ registration and licensing laws. *Nationwide Mut. Ins. Co. v. Worthey*, 314 Ark. 185, 861 S.W.2d 307 (1993).

**Cited:** *Rex Fin. Corp. v. Marshall*, 406 F. Supp. 567 (W.D. Ark. 1976); *In re Frontier Mobile Home Sales, Inc.*, 635 F.2d 726 (8th Cir. 1980).

## 27-14-208. Foreign vehicle.

“Foreign vehicle” means every vehicle of a type required to be registered under this chapter brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

**History.** Acts 1949, No. 142, § 6; A.S.A. 1947, § 75-106.

## 27-14-209. Trucks.

(a) “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(b) "Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

**History.** Acts 1949, No. 142, § 3; A.S.A. 1947, § 75-103.

### 27-14-210. Trailers.

(a) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(b) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(c) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

**History.** Acts 1949, No. 142, § 4; A.S.A. 1947, § 75-104.

## CASE NOTES

### ANALYSIS

In General.  
Registration Requirements.

#### In General.

Camper trailer placed on owner's property and used as a residence met the definition of semi-trailer as, when moved, the camper trailer was still able to be attached to the back of a pickup truck and towed to its destination. *Smith v. Farm Bureau Mut. Ins. Co. of Ark.*, 88 Ark. App. 22, 194 S.W.3d 212 (2004).

#### Registration Requirements.

In insurer's declaratory judgment action, the trial court erred in granting

summary judgment to insurer where the policy language, when coupled with the relevant statutory provisions, did not clearly exclude liability coverage for a semitrailer used solely as a residence; the Missouri Administrator of the State Office of Motor Vehicles unequivocally stated that the camper trailer in question was not subject to registration based upon its use as a residence. *Smith v. Farm Bureau Mut. Ins. Co. of Ark.*, 88 Ark. App. 22, 194 S.W.3d 212 (2004).

### 27-14-211. Special mobile equipment.

"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road



construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, and concrete mixers. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

**History.** Acts 1949, No. 142, § 8; A.S.A. 1947, § 75-108.

## CASE NOTES

### ANALYSIS

Applicability.  
Front-End Loader.  
Mowers.  
Road Graders.

#### Applicability.

The exemption provided for in this section is an exemption to the vehicle registration and licensing provisions and is not applicable to the provisions of §§ 27-35-101 — 27-35-103 pertaining to weight limitations on vehicles driven on highways. *Stuart v. State*, 263 Ark. 54, 563 S.W.2d 398 (1978).

#### Front-End Loader.

Summary judgment was improperly granted in favor of a city and its employee in a negligence action based on governmental immunity where there was a genuine issue of material fact as to whether the operation of the loader on public roads was frequent and regular or merely incidental, and thus, whether the front-end loader was exempted from the statutory definition of “motor vehicle.”

*Spears v. City of Fordyce*, 351 Ark. 305, 92 S.W.3d 38 (2002).

In a dispute over uninsured motorist benefits, insurer’s motion for judgment notwithstanding the verdict should have been granted because, even though a front-end loader could have been both “special mobile equipment” and an “auto” under an insurance policy, there was no showing that the vehicle was designed primarily for use on public roads. *S. Farm Bureau Cas. Ins. Co. v. Spears*, 360 Ark. 200, 200 S.W.3d 436 (2004).

#### Mowers.

Mowers and other vehicles not designed for transportation are special mobile equipment and exempt from registration. *Cousins v. Dennis*, 298 Ark. 310, 767 S.W.2d 296 (1989).

#### Road Graders.

A road grader falls within the definition of special mobile equipment because it is not used primarily for the transportation of persons or property and it is only incidentally operated or moved over the highways. *Clark v. Randolph County*, 71 Ark. App. 112, 36 S.W.3d 353 (2000).

## 27-14-212. Implements of husbandry.

“Implements of husbandry” means every vehicle designed or adapted exclusively for timber harvesting or hauling, agricultural, horticultural, or livestock raising operations, or for lifting or carrying an implement of husbandry, and, in either case, not subject to registration if used upon the highways.

**History.** Acts 1949, No. 142, § 7; 1959, No. 307, § 3; A.S.A. 1947, § 75-107; Acts 2005, No. 1991, § 1.

**Amendments.** The 2005 amendment

substituted “or” for “and” preceding “adapted” and inserted “timber harvesting or hauling.”

## CASE NOTES

## ANALYSIS

Applicability.  
Tractors.

**Applicability.**

The exemption provided for in this section is an exemption to the vehicle registration and licensing provisions and is not applicable to the provisions of §§ 27-35-

101 — 27-35-103 pertaining to weight limitations on vehicles driven on highways. *Stuart v. State*, 263 Ark. 54, 563 S.W.2d 398 (1978).

**Tractors.**

A tractor is an implement of husbandry, and is not subject to registration. *Cousins v. Dennis*, 298 Ark. 310, 767 S.W.2d 296 (1989).

**27-14-213. Specially constructed and reconstructed vehicles.**

(a) "Specially constructed vehicle" means every vehicle of a type required to be registered under this chapter not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

(b) "Reconstructed vehicle" means every vehicle of a type required to be registered under this chapter materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

**History.** Acts 1949, No. 142, § 5; A.S.A. 1947, § 75-105.

**27-14-214. Essential parts.**

"Essential parts" means all integral and body parts of a vehicle of a type required to be registered under this chapter, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

**History.** Acts 1949, No. 142, § 5; A.S.A. 1947, § 75-105.

**27-14-215. Tires.**

(a) "Pneumatic tire" means every tire in which compressed air is designed to support the load.

(b) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(c) "Metal tire" means every tire the surface of which in contact with the highway is, wholly or partly, of metal or other hard, nonresilient material.

**History.** Acts 1949, No. 142, § 9; A.S.A. 1947, § 75-109.

**27-14-216. Street or highway.**

“Street or highway” means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**History.** Acts 1949, No. 142, § 15;  
A.S.A. 1947, § 75-115.

**SUBCHAPTER 3 — PENALTIES AND ADMINISTRATIVE SANCTIONS**

## SECTION.

- 27-14-301. Penalty for misdemeanor.
- 27-14-302. Penalty for felony.
- 27-14-303. Fraudulent applications.
- 27-14-304. Operation of vehicles without license plates.
- 27-14-305. Penalty for using or making unofficial license plates.
- 27-14-306. Improper use of evidences of registration.
- 27-14-307. False evidences of title or registration.
- 27-14-308. Authority to suspend or revoke registration or certificate of title, etc.

## SECTION.

- 27-14-309. Failure to pay taxes on or assess personal property as ground for revocation.
- 27-14-310. Improper activities by manufacturer, transporter, or dealer.
- 27-14-311. Appeal of revocation by dealer.
- 27-14-312. Returning evidences of registration upon cancellation, etc.
- 27-14-313. Disposition of misdemeanor fines and forfeitures.
- 27-14-314. Additional penalties — Disposition of fines.

**Effective Dates.** Acts 1929, No. 65, § 75: approved Feb. 28, 1929. Emergency clause provided: “It is ascertained and hereby declared that the defective condition of the public roads is a standing menace to the traveling public; that the repairs of the present public roads, and the construction of the roads contemplated by this act, are necessary for the safety of the traveling public, so that the immediate operation of the act is essential for the protection of the public safety, and an emergency is therefore declared; and this act shall take effect and be in force from and after its passage.”

Acts 1953, No. 144, § 4: approved Feb. 25, 1953. Emergency clause provided: “It is hereby determined that matters vitally affecting the welfare of the State of Arkansas must be dealt with by the Fifty-ninth General Assembly, and this Act being necessary for the preservation of the peace, health and safety of the people, an emergency is hereby declared to exist, and this Act shall take effect and be in full force from and after its passage.”

Acts 1965, No. 493, § 10: Mar. 20, 1965. Emergency clause provided: “It has been

found and is hereby declared by the General Assembly of the State of Arkansas: (a) that traffic accidents resulting in injuries and deaths of persons and damages to property are increasing at an alarming rate; (b) that present revenues for employment of personnel in the Department of Arkansas State Police are wholly inadequate to properly handle the problem of highway safety; and (c) that only the provisions of this act will tend to provide funds in amounts sufficient to employ the necessary personnel to patrol the highways and thereby reduce the incidence of highway accidents. Therefore an emergency is hereby declared to exist, and this act being necessary for the preservation of public peace, health and safety shall take effect and be in full force on and after its passage and approval.”

Acts 1965 (2nd Ex. Sess.), No. 4, § 4: Nov. 6, 1965. Emergency clause provided: “It is hereby found and determined by the General Assembly that the requirement of the present law that the motor vehicle registration certificate be carried in the vehicle or on the person driving or in control of the vehicle is necessary to the



proper enforcement of the laws of this State relative to the theft of motor vehicles, but that such requirement, with the accompanying penalty for failure to comply, places an undue burden upon motorists in this State; that the provisions of this Act will retain such requirement but will relieve persons of the penalty for failure to comply if such person produces in court a registration certificate for such vehicle which was issued prior to and was in effect at the time of the demand by an officer to display the same and at the time of the arrest for failure to do so; and that this act is immediately necessary to relieve the aforementioned burden upon motorists in this State. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in effect from the date of its passage and approval."

Acts 1991, No. 988, § 9: Apr. 8, 1991. Emergency clause provided: "It is hereby found and determined by the General Assembly that violation of the motor vehicle

licensing law is epidemic in this state resulting in lost revenues to schools and the state and local governments; that the present enforcement mechanism is not a deterrent to the violation; that this act is an attempt to enhance the enforcement of the motor vehicle licensing law; that until this act goes into effect, the motor vehicle licensing law will continue to be violated resulting in lost revenue to schools and state and local governments; that enhancing penalties for repeat offenses of the liability insurance requirement is necessary to increase compliance with the law; and that this act is immediately necessary to provide efficient enforcement of the motor vehicle licensing law and motor vehicle liability insurance law. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval."

Acts 2005, No. 1929, § 6: effective Jan. 1, 2006.

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### 27-14-301. Penalty for misdemeanor.

(a) It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is, by this chapter or other law of this state, declared to be a felony.

(b) Unless another penalty is in this chapter or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provisions of this chapter shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

**History.** Acts 1949, No. 142, § 86; A.S.A. 1947, § 75-186.

### 27-14-302. Penalty for felony.

Any person who is convicted of a violation of any of the provisions of this chapter or by the laws of this state declared to constitute a felony shall be punished by imprisonment for not less than one (1) year nor more than five (5) years or by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or by both such fine and imprisonment.

**History.** Acts 1949, No. 142, § 87; A.S.A. 1947, § 75-187.



**27-14-303. Fraudulent applications.**

Any person who fraudulently uses a false or fictitious name or address in any application for the registration of a vehicle or a certificate of title or knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any application shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than one (1) year, or both.

**History.** Acts 1949, No. 142, § 75;  
A.S.A. 1947, § 75-175.

**27-14-304. Operation of vehicles without license plates.**

(a) No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle required to be registered under this chapter unless there shall be attached thereto and displayed thereon, when and as required by this chapter, a valid license plate issued therefor by the office for the current registration year, except as otherwise expressly permitted in this chapter.

(b) Any violation of this section is a misdemeanor.

**History.** Acts 1949, No. 142, § 76; 1965  
(2nd Ex. Sess.), No. 4, § 2; A.S.A. 1947,  
§ 75-176.

**CASE NOTES****Lesser Included Offenses.**

Operation of a vehicle without a valid license plate in violation of this section is not a lesser included offense of willfully attempting to evade or defeat the payment of tax, in violation of § 26-18-201(a), and failure to pay tax, in violation of § 26-18-202; it is possible to commit the greater offenses without committing the

offense of operating a vehicle without a license plate, and the lesser charge requires proof of an additional element not required under the greater offenses. *Owens v. State*, 354 Ark. 644, 128 S.W.3d 445 (2003).

**Cited:** *Jones v. State*, 314 Ark. 383, 862 S.W.2d 273 (1993).

**27-14-305. Penalty for using or making unofficial license plates.**

(a) It shall be unlawful for the owner of any automobile, Class One truck, trailer or semitrailer, motorcycle, or motorcycle sidecar to display any license plate on the rear of the vehicle that is not furnished by the Director of the Department of Finance and Administration.

(b)(1) It shall be unlawful for any person, firm, or corporation to reproduce or paint any license plate or registration card in this state.

(2) For purposes of this section, "license plate" means any plate designed to be affixed to the rear of a motor vehicle, including, but not limited to, plates advertising a new or used car dealership or other type of business, rental car company identification plates, or any plate or card with the designation "TAG APPLIED FOR" or any similar designation.

(c) Any person, firm, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

**History.** Acts 1929, No. 65, § 36; Pope's Dig., § 6636; Acts 1965, No. 493, § 8; A.S.A. 1947, § 75-236; Acts 2005, No. 1929, § 5.

**Amendments.** The 2005 amendment added (b)(2); and in (a) inserted "Class One" preceding "truck," substituted "plate

on the rear of the vehicle" for "plates" and made a related change.

**Cross References.** Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

**Effective Dates.** Acts 2005, No. 1929, § 6: effective Jan. 1, 2006.

## 27-14-306. Improper use of evidences of registration.

(a) No person shall lend to another any certificate of title, registration certificate, registration plate, special plate, or permit issued to him or her if the person desiring to borrow it would not be entitled to the use thereof, nor shall any person knowingly permit their use by one not entitled thereto, nor shall any person display upon a vehicle any registration certificate, registration plate, or permit not issued for the vehicle or not otherwise lawfully thereon under this chapter.

(b) Any violation of this section is a misdemeanor.

**History.** Acts 1949, No. 142, § 77; A.S.A. 1947, § 75-177.

## CASE NOTES

### Reasonable Cause.

A violation of this section provides a police officer with reasonable cause to believe that the driver of the vehicle is committing a violation of the law in his presence. *Wilburn v. State*, 317 Ark. 73, 876 S.W.2d 555 (1994).

There was probable cause to support defendant's arrest where defendant was exceeding the posted speed limit, defendant was driving a car with fictitious tags, which was a crime, and both the vehicle and defendant matched the description of the robbery suspect that the police were given. *Medlock v. State*, 79 Ark. App. 447, 89 S.W.3d 357 (2002).

Where a police officer ran the tags on a vehicle and learned that it had a fictitious license plate, the officer had probable cause to stop the car; in addition, where police discovered the presence of marijuana inside the vehicle during the traffic stop, the subsequent search of defendant's shoe, which yielded marijuana, was a search incident to a lawful arrest. *Thornton v. State*, 85 Ark. App. 31, 144 S.W.3d 766 (2004).

**Cited:** *Hazelwood v. State*, 328 Ark. 602, 945 S.W.2d 365 (1997); *Burris v. State*, 330 Ark. 66, 954 S.W.2d 209 (1997).

## 27-14-307. False evidences of title or registration.

It is a felony for any person to commit any of the following acts:

(1) To alter, with fraudulent intent, any certificate of title, registration certificate, registration plate, manufacturer's certificate of origin, or permit issued by the Office of Motor Vehicle;

(2) To forge or counterfeit any such document or plate purporting to have been issued by the office or by the manufacturer;

- (3) To alter or falsify, with intent to defraud or mislead, or with intent to evade the registration laws, any assignment upon a certificate of title or upon a manufacturer’s certificate of origin;
- (4) To hold or use any such document or plate knowing it to have been so altered, forged, or falsified.

**History.** Acts 1949, No. 142, § 78;  
1957, No. 368, § 1; A.S.A. 1947, § 75-178.

**27-14-308. Authority to suspend or revoke registration or certificate of title, etc.**

The Office of Motor Vehicle is authorized to suspend or revoke the registration of a vehicle, a certificate of title, registration certificate, registration plate, or any nonresident or other permit in any of the following events:

- (1) When the office is satisfied that the registration or that the certificate, plate, or permit was fraudulently or erroneously issued;
  - (2) When the office determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
  - (3) When a registered vehicle has been dismantled or wrecked;
  - (4) When the office determines that the required fee has not been paid and it is not paid upon reasonable notice and demand;
  - (5) When a registration certificate, registration plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;
  - (6) When the office determines that the owner has committed any offense under this chapter involving the registration or the certificate, plate, or permit to be suspended or revoked;
  - (7) When the office is so authorized under any other provision of law;
- or
- (8) When the owner of a commercial truck is not authorized to operate by the United States Department of Transportation due to safety-related violations.

**History.** Acts 1949, No. 142, § 79;  
A.S.A. 1947, § 75-179; Acts 2003, No. 854,  
§ 1.

**RESEARCH REFERENCES**

**U. Ark. Little Rock L. Rev.** Survey of Commercial Vehicle, 26 U. Ark. Little Rock L. Rev. 508.  
**Legislation,** 2003 Arkansas General Assembly, Transportation, Registration of

**CASE NOTES**

**Cited:** House v. Hodges, 227 Ark. 458,  
299 S.W.2d 201 (1957).



**27-14-309. Failure to pay taxes on or assess personal property as ground for revocation.**

(a) Upon sufficient proof or information that any motor vehicle has been licensed and registered in this state without the tax due on all the personal property of the applicant having been paid or without having been listed for assessment or assessed, the Director of the Department of Finance and Administration is authorized to revoke the license and registration of the motor vehicle.

(b) The provisions of this section shall not apply to dealer's license and registration.

**History.** Acts 1951, No. 130, § 2; 1953, No. 144, § 2; A.S.A. 1947, § 75-179.1.      sonal property taxes and listing for assessment required, § 27-14-1015.

**Cross References.** Payment of per-

**RESEARCH REFERENCES**

**Ark. L. Rev.** Assessment and Licensing of Motor Vehicles, 7 Ark. L. Rev. 349.

**27-14-310. Improper activities by manufacturer, transporter, or dealer.**

The Office of Motor Vehicle is authorized to suspend or revoke a certificate or the special plates issued to a manufacturer, transporter, or dealer upon determining that any person is not lawfully entitled thereto, has made, or knowingly permitted, any illegal use of such plates, has committed fraud in the registration of vehicles, or has failed to give notices of transfers when and as required by this chapter.

**History.** Acts 1949, No. 142, § 80; A.S.A. 1947, § 75-180.

**27-14-311. Appeal of revocation by dealer.**

(a)(1) Any dealer whose license or permit has been revoked by the Director of the Department of Finance and Administration may appeal to the circuit court of the county in which the dealer's license or permit was issued, within thirty (30) days, by filing a petition and bond as in other cases of appeal to the circuit court.

(2) The bond shall be conditioned that the petitioner will perform the judgment of the circuit court.

(3) The trial in the circuit court shall be held de novo.

(b) If aggrieved by the judgment of the circuit court, the petitioner may appeal to the Supreme Court of this state as in other civil cases.

(c) The bonds shall be approved by the clerk of the court as in other appeals in civil cases.

**History.** Acts 1951, No. 150, § 2; A.S.A. 1947, § 75-180.2.



**27-14-312. Returning evidences of registration upon cancellation, etc.**

Whenever the Office of Motor Vehicle, as authorized under this chapter cancels, suspends, or revokes the registration of a vehicle or a certificate of title, registration certificate, or license plate, or any nonresident or other permit or the license of any dealer or wrecker, the owner or person in possession of it shall immediately return the evidences of registration, title, or license so cancelled, suspended, or revoked to the office.

**History.** Acts 1949, No. 142, § 81;  
A.S.A. 1947, § 75-181.

**27-14-313. Disposition of misdemeanor fines and forfeitures.**

(a) All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this chapter constituting a misdemeanor shall be deposited in the treasury of the county, city, or town maintaining the court wherein the conviction or forfeiture was had in a special fund to be known as the Highway Improvement Fund.

(b) The fund is created and shall be used exclusively in the construction, maintenance, and repair of public highways and highway structures or for the installation and maintenance of traffic control devices thereon within the respective jurisdictions.

(c) Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving, or having custody of, such fine or forfeiture, either before or after a deposit in the fund, to comply with the provisions of this section shall constitute misconduct in office and shall be grounds for removal.

**History.** Acts 1949, No. 142, § 88; way Revenue Distribution Law, § 27-70-201 et seq.  
A.S.A. 1947, § 75-188.

**Cross References.** Arkansas High-

**27-14-314. Additional penalties — Disposition of fines.**

(a) Any person who, while driving a motor vehicle more than sixty (60) days after the period for registering the motor vehicle, is arrested for failure to register the motor vehicle shall upon conviction be subject to a penalty in addition to any other penalty provided for by law. The additional penalty shall be:

(1) Not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100) for the first offense, and the minimum fine shall be mandatory;

(2) Not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250) for the second and subsequent offenses, and the minimum fine shall be mandatory.

(b)(1) If a person is convicted of two (2) offenses under subsection (a) of this section within one (1) year, the court may order that the

unregistered vehicle be impounded until proof of motor vehicle registration is made to the court.

(2) The owner of the vehicle impounded shall be responsible for all costs of impoundment.

(c)(1) If the arresting officer is an officer of the Department of Arkansas State Police, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit in the Department of Arkansas State Police Fund to be used for the purchase and maintenance of state police vehicles.

(2) If the arresting officer is a county law enforcement officer, the fine collected shall be deposited in that county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

(3) If the arresting officer is a municipal law enforcement officer, the fine collected shall be deposited in that municipal fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

**History.** Acts 1991, No. 988, § 2; 1993, No. 230, § 1; 2001, No. 1408, § 2; 2003, No. 1765, § 32.

**Publisher's Notes.** Acts 1991, No. 988, § 1, provided: "(a) It is hereby found and determined by the General Assembly that there is a large number of motor vehicles within this state which are not licensed; that this situation results in lost revenues to the state in the form of license fees not paid; that the owners of unlicensed motor vehicles most likely do not pay property taxes on such vehicles, thereby depriving local governments and school districts of vitally needed revenues; that it is probable that the owners of unlicensed new motor vehicles have not paid the sales tax on such new vehicles thereby depriving the state of a significant amount of tax

revenues; that it is also probable that these owners have not complied with mandatory insurance requirements, thereby increasing the potential financial catastrophe to others involved in accidents with them; and that this act is designed to promote the enforcement of Arkansas' motor vehicle licensing laws.

"(b) It is further found and determined by the General Assembly that penalties for failure to obtain motor vehicle insurance are prescribed by Arkansas law; that enhancing penalties for second and third offenses of the liability insurance requirement will increase compliance with the requirement; therefore it is also the purpose of this act to enhance the penalties for repeat offenses of the liability insurance requirement."

## SUBCHAPTER 4 — OFFICE OF MOTOR VEHICLE

### SECTION.

- 27-14-401. Creation.
- 27-14-402. Commissioner to head.
- 27-14-403. Powers and duties of commissioner.
- 27-14-404. Organization.
- 27-14-405. Police authority generally.

### SECTION.

- 27-14-406. Authority to take possession.
- 27-14-407. Summons of witnesses.
- 27-14-408. Manner of giving notice.
- 27-14-409. Processing of applications.
- 27-14-410. Forms.
- 27-14-411. Oaths and signatures.

SECTION.

27-14-412. Records.

27-14-413. Distribution of laws.

SECTION.

27-14-414. Vehicle insurance database.

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**Effective Dates.** Acts 1995, No. 268, § 11: Feb. 13, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly that current law imposes a 10% penalty on late payment of sales or use tax on motor vehicles and trailers; that current law disallows the isolated sales exemption to a purchase of a motor vehicle or trailer; that each of these provisions are in need of clarification to ensure the original legisla-

tive intent is fulfilled; and that Sections 6 and 7 of this act should be effective immediately to prevent possible confusion among the taxpayers of this state. Therefore, an emergency is hereby declared to exist and Sections 6 and 7 of this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect immediately upon its passage and approval."

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**27-14-401. Creation.**

An office of the government of this state to be known as the "Office of Motor Vehicle" is created.

**History.** Acts 1949, No. 142, § 16; A.S.A. 1947, § 75-116.

**27-14-402. Commissioner to head.**

The Office of Motor Vehicle shall be under the control of a civil executive officer to be known as the "Commissioner of Motor Vehicles" who shall be the Director of the Department of Finance and Administration.

**History.** Acts 1949, No. 142, § 17; A.S.A. 1947, § 75-117.

**27-14-403. Powers and duties of commissioner.**

(a) The Commissioner of Motor Vehicles is vested with the power and is charged with the duty of observing, administering, and enforcing the provisions of this chapter and of all laws regulating the operation of vehicles or the use of the highways, the enforcement or administration of which is vested in the Office of Motor Vehicle.

(b) The commissioner is authorized to adopt and enforce such rules and regulations as may be necessary to carry out the provisions of this chapter and any other laws, the enforcement and administration of which are vested in the office.

(c) The commissioner may adopt an official seal for the use of the office.



**History.** Acts 1949, No. 142, § 20;  
A.S.A. 1947, § 75-120.

#### **27-14-404. Organization.**

(a) The Commissioner of Motor Vehicles shall organize the office in such manner as he may deem necessary and proper to segregate and conduct the work of the Office of Motor Vehicle.

(b) The commissioner shall appoint such deputies, subordinate officers, clerks, investigators, and other employees as may be necessary to carry out the provisions of this chapter.

(c) The commissioner shall maintain an office in the State Capitol and in such other places in the state as he may deem necessary and proper to carry out the powers and duties vested in the office.

**History.** Acts 1949, No. 142, §§ 18, 19, 21; A.S.A. 1947, §§ 75-118, 75-119, 75-121.

#### **27-14-405. Police authority generally.**

The Commissioner of Motor Vehicles and such officers and inspectors of the Office of Motor Vehicle as he or she shall designate shall have the power:

(1) Of peace officers for the purpose of enforcing the provisions of this chapter and of any other law regulating the operation of vehicles or the use of the highways;

(2) To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this chapter or other law regulating the operation of vehicles or the use of the highways;

(3) When on duty, upon reasonable belief that any vehicle is being operated in violation of any provision of this chapter or of any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his driver's or chauffeur's license and the registration certificate issued for the vehicle and submit to an inspection of the vehicle, the registration plates, and registration certificate thereon or to an inspection and test of the equipment of the vehicle;

(4) To inspect any vehicle of a type required to be registered under this chapter in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof;

(5) To serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways;

(6) To investigate reported thefts of motor vehicles, trailers, and semitrailers.

**History.** Acts 1949, No. 142, § 30;  
A.S.A. 1947, § 75-130.



**27-14-406. Authority to take possession.**

(a) The Office of Motor Vehicle is authorized to take possession of any certificate of title, registration certificate, permit, license, or registration plate issued by it upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious or which has been unlawfully or erroneously issued.

(b) The office is authorized to take possession of any vehicle which is being operated unlawfully.

**History.** Acts 1949, No. 142, § 26;  
A.S.A. 1947, § 75-126.

**27-14-407. Summons of witnesses.**

(a)(1) The Commissioner of Motor Vehicles and officers of the Office of Motor Vehicle designated by him or her shall have authority to summon witnesses to give testimony under oath or to give written deposition upon any matter under the jurisdiction of the office.

(2) Such summons may require the production of relevant books, papers, or records.

(b)(1) Every such summons shall be served at least five (5) days before the return date, either by personal service made by any person over eighteen (18) years of age or by registered mail, but return acknowledgment is required to prove the latter service.

(2) Failure to obey such a summons so served shall constitute a misdemeanor.

(c) Any court of competent jurisdiction shall have jurisdiction, upon application by the commissioner, to enforce all lawful orders of the commissioner under this section.

**History.** Acts 1949, No. 142, § 28;  
A.S.A. 1947, § 75-128.

**27-14-408. Manner of giving notice.**

(a) Whenever the Office of Motor Vehicle is authorized or required to give any notice under this chapter or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, the notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of the notice in an envelope with postage prepaid, addressed to the person at his address as shown by the records of the office.

(b) The giving of notice by mail is complete upon the expiration of four (4) days after the deposit of the notice.

(c) Proof of the giving of notice in either manner may be made by the certificate of any officer or employee of the office or affidavit of any person over eighteen (18) years of age, naming the person to whom the notice was given and specifying the time, place, and manner of giving.

**History.** Acts 1949, No. 142, § 29;  
A.S.A. 1947, § 75-129.

### **27-14-409. Processing of applications.**

(a) The Office of Motor Vehicle shall examine and determine the genuineness, regularity, and legality of every application for registration of a vehicle, for a certificate of title therefor, and of any other application lawfully made to the office.

(b) The office may, in all cases, make investigation as may be deemed necessary or require additional information and shall reject any such application if not satisfied of the genuineness, regularity, or legality thereof, or of the truth of any statement contained therein, when authorized by law.

(c)(1) If the office is not satisfied as to the ownership of a vehicle or that there are no undisclosed security interests in it, the office may accept the application, but shall, as a condition of issuing a certificate of title, require the applicant to file with the office a bond in the form prescribed by the office.

(2) The bond shall be in an amount equal to one and one-half (1.5) times the value of the vehicle, as determined by the office.

(3)(A) The bond shall be conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle, or person acquiring any security interest in it, and their respective successors in interest, heirs, or assigns against any expense, loss, or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle.

(B) Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond.

(4) The bond, and any deposit accompanying it, shall be returned at the end of three (3) years, unless the office has been notified of the pendency of an action to recover on the bond.

**History.** Acts 1949, No. 142, § 25;  
A.S.A. 1947, § 75-125; Acts 1993, No.  
1013, § 1; 1995, No. 268, § 5.

### **27-14-410. Forms.**

The Commissioner of Motor Vehicles shall prescribe and provide suitable forms of applications, certificates of title, registration certificates, and all other forms requisite or deemed necessary to carry out the provisions of this chapter and any other laws, the enforcement and administration of which are vested in the Office of Motor Vehicle.

**History.** Acts 1949, No. 142, § 22;  
A.S.A. 1947, § 75-122.

**27-14-411. Oaths and signatures.**

(a) Officers and employees of the Office of Motor Vehicle designated by the Commissioner of Motor Vehicles are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures.

(b) They shall do so without fee.

**History.** Acts 1949, No. 142, § 23;  
A.S.A. 1947, § 75-123.

**27-14-412. Records.**

(a)(1) All records of the Office of Motor Vehicle, other than those declared by law to be confidential for the use of the office, shall be open to public inspection during office hours.

(2) The use of lists or other aggregations or compilations of motor vehicle registration information is restricted to safety recall notification programs involving motor vehicles and motor vehicle equipment, other federal and state agency programs, and research and statistics involving motor vehicles in which individual identities are not published or disclosed. Motor vehicle registration information shall not be sold, furnished, or used for solicitation purposes.

(b)(1) The Commissioner of Motor Vehicles and such officers of the office as the commissioner may designate are authorized to prepare under the seal of the office and deliver upon request a certified copy of any record of the office.

(2) A fee of one dollar (\$1.00) shall be charged for each document so authenticated.

(3) Every such certified copy shall be admissible in any proceeding in any court in like manner as the original.

(c) The commissioner may destroy any records of the office which have been maintained on file for five (5) years which he or she may deem obsolete and of no further service in carrying out the powers and duties of the office.

**History.** Acts 1949, No. 142, §§ 23, 24;  
A.S.A. 1947, §§ 75-123, 75-124; Acts 1987,  
No. 371, § 1.

**27-14-413. Distribution of laws.**

The Office of Motor Vehicle may publish a synopsis or summary of the laws of this state regulating the operation of vehicles and may deliver a copy without charge with each original vehicle registration.

**History.** Acts 1949, No. 142, § 27;  
A.S.A. 1947, § 75-127.



**27-14-414. Vehicle insurance database.**

(a) There is created the Vehicle Insurance Database within the Revenue Division of the Department of Finance and Administration to develop, establish, and maintain a database of information to verify compliance with the motor vehicle liability insurance laws of Arkansas set out in § 27-22-101 et seq.

(b)(1) The Vehicle Insurance Database shall be administered by the division with the assistance of the Department of Information Systems or any other designated agent which may be contracted with to supply technical database and data processing expertise.

(2) The Vehicle Insurance Database shall be developed and maintained in accordance with guidelines established by the division so that the state and local law enforcement agencies can access the Vehicle Insurance Database to check the current insurance coverage on motor vehicles in Arkansas required to maintain current liability insurance as required by law.

(c) The division shall have the authority to enter into or to make agreements, arrangements, or declarations necessary to carry out the provisions of this section.

(d) The reports shall be retained by the Department of Finance and Administration so as to keep a twelve-month history of the insurance record of the vehicle for at least the preceding full twelve-month period.

(e)(1) Upon request, the Department of Finance and Administration may release an individual's information in the Vehicle Insurance Database to:

(A) That individual;

(B) The parent or legal guardian of that individual who is under eighteen (18) years of age or who is legally incapacitated; and

(C) State and local law enforcement agencies, to the Arkansas Crime Information Center, or to other government offices upon a showing of need.

(2) Otherwise, all data and information received by the Vehicle Insurance Database are confidential and are not subject to examination or disclosure as public information under the Freedom of Information Act of 1967, § 25-19-101 et seq.

(f) The department or the reporting company shall not be liable for any damages to any property or person due to any act or omission in the reporting of or keeping of any record or information under the Vehicle Insurance Database or the issuing or renewing of any motor vehicle registration in accordance with the Vehicle Insurance Database.

(g) The Director of the Department of Finance and Administration shall have the authority to adopt rules and regulations necessary to carry out the provisions of this section.

**History.** Acts 1997, No. 991, § 5.



## SUBCHAPTER 5 — COMMISSION FOR RECIPROCAL AGREEMENTS

## SECTION.

27-14-501. Creation.

27-14-502. Agreements generally.

27-14-503. [Repealed.]

## SECTION.

27-14-504. Proportionate refund of registration fees authorized.

**Preambles.** Acts 1945, No. 60 contained a preamble which read: "Whereas, the free flow of commerce between the several states of the United States not only reduces costs to the producer, manufacturer, and consumer, but also gives a distinct advantage to citizens of those states having no trade barriers; and

"Whereas, the motor transportation industry is of widespread importance to every citizen, industry, business, producer and manufacturer in the State of Arkansas; and

"Whereas, motor carriers domiciled in Arkansas are confronted with certain trade barriers, which increase their operating costs and place them at a distinct disadvantage in competing with carriers domiciled in other states; and

"Whereas, numerous states of the United States, including our neighbor commonwealths of Tennessee, Missouri, Oklahoma, Texas and Louisiana, have enacted laws effecting the removal of trade barriers that were retarding the growth and usefulness of the motor carrier industry within such States; and

"Whereas, states having reciprocal laws retaliate against motor carriers domiciled in Arkansas because Arkansas is not authorized to make reciprocal agreements, which retaliation results in a pyramiding of the operating expense of Arkansas carriers and discourages the investment of new capital within the State;

"Now, therefore ... "

Acts 1977, No. 313 contained a preamble which read: "Whereas, Act 495 of 1975 authorized reciprocal agreements with other states for the registration of commercial motor vehicles according to a mutually agreed formula; and

"Whereas, pursuant to this legislation the international registration plan was adopted and became effective on July 1, 1976; and

"Whereas, no authorization currently exists for transferring the registration ef-

fected under said plan or authorizing the refund of any unused portion of said registration; and

"Whereas, the General Assembly is desirous of correcting this inequity by authorizing the refund of unused proportional amounts of said registration ... "

**Effective Dates.** Acts 1945, No. 60, § 4: effective on passage. Approved Feb. 16, 1945.

Acts 1977, No. 313, § 5: Mar. 1, 1977. Emergency clause provided: "It is hereby determined by the General Assembly that since no provision exists for the refund of moneys paid to this State under the international registration plan and because this lack of authorization for refund creates a hardship upon the citizens of this State who are registrants under this plan, an emergency is declared to exist and this Act shall become effective upon the date of its approval."

Acts 1979, No. 611, § 4: July 1, 1979. Emergency clause provided: "It is hereby found and determined by the Seventy-Second General Assembly that the present method of registering semitrailers is too burdensome on the owners of such, and that this Act is immediately necessary to ease such burden. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect on July 1, 1979."

Acts 1989 (1st Ex. Sess.), No. 153, § 8: July 1, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the provisions of this Act are essential to the efficient administration of programs for the regulation of transportation and safety of operation of public carriers, as well as other programs herein. Therefore, an emergency is declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after July 1, 1989."

**27-14-501. Creation.**

An ex officio commission, composed of the Director of the Department of Finance and Administration, who shall serve as chair, the Chair of the State Highway Commission, and the Director of State Highways and Transportation, is established for the purpose of representing the State of Arkansas in the matter of making reciprocal agreements relating to the operation of motor vehicles.

**History.** Acts 1945, No. 60, § 1; A.S.A. 1947, § 75-250; Acts 1989 (1st Ex. Sess.), No. 153, § 4.

**27-14-502. Agreements generally.**

(a) The commission is authorized to negotiate and consummate reciprocal agreements with the duly authorized officials or representatives of any states of the United States, whereby residents of such other states who operate commercial motor vehicles may allocate and apportion the registration of such commercial motor vehicles in accordance with any formula mutually agreed upon between the commission and the representatives or officials of such state if residents of this state are granted the same allocation and apportionment privileges for commercial motor vehicles' registration in such other state.

(b) Nothing in this section shall be construed as relieving any motor vehicle owner or operator from complying with all laws, rules, and regulations pertaining to the safety of operation of motor vehicles, the highway maximum weight standards, and the preservation of the highways of this state.

(c)(1) In the making of any reciprocal agreement, the commission shall exercise due regard for the advantage and convenience of resident motor vehicle owners and the citizens of this state.

(2) No agreement shall be entered into with any state extending privileges and exemptions to motor vehicle operators of such state unless that state accords equal or greater privileges and exemptions to Arkansas motor vehicle operators.

**History.** Acts 1945, No. 60, §§ 2, 3; 1975, No. 495, § 1; A.S.A. 1947, §§ 75-251, 75-252.

**CASE NOTES**

**Cited:** Gray v. Ragland, 277 Ark. 232, 640 S.W.2d 788 (1982).

**27-14-503. [Repealed.]**

**Publisher's Notes.** This section, concerning registration and licensing of semi-trailers under reciprocal agreements, was repealed by Acts 1997, No. 809, § 8. The

section was derived from Acts 1979, No. 611, §§ 1, 2; A.S.A. 1947, §§ 75-251.1, 75-251.2.

### **27-14-504. Proportionate refund of registration fees authorized.**

(a) The Director of the Department of Finance and Administration is authorized to refund a proportionate part of the registration fees paid to this state under the provisions of the International Registration Plan which became effective July 1, 1976, under the following conditions:

(1) The registrant has discontinued operations in the State of Arkansas;

(2) The vehicle registered has been totally destroyed; or

(3) The registrant has changed his operations in Arkansas such that registration under the International Registration Plan would no longer be appropriate in this state.

(b) The refund will be in an amount equal to that proportionate amount of the remaining registration year beginning with the month next following that month in which the director is notified that the registrant wishes to cancel his registration by surrendering all registration documents and license plates.

(c) The director is authorized to promulgate such rules and regulations as may be necessary to effectuate the terms of this section.

**History.** Acts 1977, No. 313, §§ 2-4; A.S.A. 1947, §§ 75-252.1 — 75-252.3.

## **SUBCHAPTER 6 — REGISTRATION AND LICENSE FEES**

### **SECTION.**

27-14-601. Fees for registration and licensing of motor vehicles.

27-14-602. Registration fees.

27-14-603. Fee for special numbered license plates.

27-14-604. Refunds.

### **SECTION.**

27-14-605. Credit if vehicle destroyed.

27-14-606. Disposition.

27-14-607. Alternate registration procedures.

27-14-608. Payment by credit card.

27-14-609. Provision of information.

**Effective Dates.** Acts 1929, No. 65, § 75: approved Feb. 28, 1929. Emergency clause provided: "It is ascertained and hereby declared that the defective condition of the public roads is a standing menace to the traveling public; that the repairs of the present public roads, and the construction of the roads contemplated by this act, are necessary for the safety of the traveling public, so that the immediate operation of the act is essential for the protection of the public safety, and an emergency is therefore declared; and this act shall take effect and be in force from and after its passage."

Acts 1939, No. 386, § 33: Mar. 17, 1939. Emergency clause provided: "It is hereby ascertained and declared to be a fact that due to the lack of any provision for the registration of motor vehicles in this State, there is a great deal of confusion and some practice of fraud resulting in the used car business; that this act will protect the citizens of this State from fraud and theft of their cars, therefore, an emergency is found to exist and this act, being necessary for the immediate preservation of the public peace, health and safety, shall become effective upon its passage and approval."



Acts 1949, No. 235, § 12: Mar. 4, 1949. Emergency clause provided: "Whereas the condition of the State Highways in this State has deteriorated to such an extent that, the investment in, and use of, highway surfaces is in danger of being lost by reason of inadequate funds with which to repair same; that such deteriorated condition constitutes a menace and danger to the people of Arkansas, and retards and hinders the economic development of this State; and that, unless additional revenues are provided, or the existing laws strengthened in their enforcement provisions, in the manner set forth in this Act, the transportation facilities of this State will suffer irreparable injury and damage, and endanger the lives and well being of the citizens of this State. An emergency is declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety, the same shall take effect and be in force from and after its passage and approval."

Acts 1951, No. 78, § 2: Feb. 15, 1951. Emergency clause provided: "It has been found and is declared by the General Assembly of Arkansas that many violations of the Special Natural Resources Classification have occurred and are occurring; that such is discriminatory against those purchasing proper license that the State of Arkansas is losing proper license fees; and that enactment of this bill would provide for the elimination of such practices. Therefore, an emergency is declared to exist and this Act being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its approval."

Acts 1953, No. 113, § 2: Feb. 20, 1953. Emergency clause provided: "Due to the increased volume and cost of handling reserved license tags, necessitating additional employees and facilities in the Department of Revenues to render this special service, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall take effect and be in force from and after its passage and approval."

Acts 1963, No. 142, § 2: July 1, 1963.

Acts 1965, No. 493, § 10: Mar. 20, 1965. Emergency clause provided: "It has been found and is hereby declared by the General Assembly of the State of Arkansas: (a)

that traffic accidents resulting in injuries and deaths of persons and damages to property are increasing at an alarming rate; (b) that present revenues for employment of personnel in the Department of Arkansas State Police are wholly inadequate to properly handle the problem of highway safety; and (c) that only the provisions of this act will tend to provide funds in amounts sufficient to employ the necessary personnel to patrol the highways and thereby reduce the incidence of highway accidents. Therefore an emergency is hereby declared to exist, and this act being necessary for the preservation of public peace, health and safety shall take effect and be in full force on and after its passage and approval."

Acts 1965 (1st Ex. Sess.), No. 42, § 4: June 10, 1965. Emergency clause provided: "It is hereby found and determined by the General Assembly that existing highway user revenue sources do not provide sufficient revenues to provide for the adequate maintenance, repair, construction and reconstruction of state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order to finance an adequate highway and street maintenance and construction program; that the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets are not provided; and that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1967, No. 21, § 2: Jan. 30, 1967. Emergency clause provided: "It is hereby found and determined by the General Assembly that the existing fees charged for the licensing of vehicles for hire are excessive and in many instances communities of this State are facing the loss of essential public transportation services unless immediate relief is provided. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health

and safety shall be in full force and effect from and after its passage and approval."

Acts 1967, No. 82, § 3: Feb. 13, 1967. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the cost of the dealers' motor vehicle license plates is unusually high in comparison to the fee charged for obtaining regular license plates; that the privilege that attaches to such dealers' motor vehicle license plates are restricted and meager; that the revenues derived from such license plates are substantial; and that it is necessary in order to insure car dealers more freedom in the usage of such plates, that this Act become effective immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in effect from the date of its passage and approval."

Acts 1971, No. 181, § 4: Feb. 26, 1971. Emergency clause provided: "It is hereby found and determined by the General Assembly that there is no provision for the licensing of semi-trailers having a gross loaded weight ranging between 1,001 to 6,000 pounds; that as a result camping trailer owners are paying a minimum licensing fee of thirty dollars (\$30.00) per year; and that only by the passage of this Act can this situation be remedied. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall become effective from and after its passage and approval."

Acts 1971, No. 348, § 4: Mar. 22, 1971. Emergency clause provided: "It is hereby found and determined by the General Assembly that there is no provision for the licensing of semi-trailers having a gross loaded weight ranging between 1,001 and 6,000 pounds; that as a result camping trailer owners are paying a minimum licensing fee of thirty dollars (\$30.00) per year; and that only by the passage of this Act can this situation be remedied. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall become effective from and after its passage and approval."

Acts 1971, No. 469, § 4: Apr. 1, 1971. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the costs of dealer's extra license plates is unusually high and that it is necessary for all motor vehicle dealers to have a reasonable supply of these plates on hand to comply with the provisions of the Permanent Auto Licensing Law, Act 465 of 1967, that the revenue derived from such license plates is substantial and that it is necessary in order to insure car dealers more freedom in the usage of such plates, that this change in fees become effective immediately. Therefore, an emergency is declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from the date of its passage and approval."

Acts 1979, No. 440, §§ 4, 7: July 1, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that existing highway user revenue sources do not provide for the adequate maintenance, repair, construction and reconstruction of state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order to finance adequate highway, road and street maintenance and construction programs; that the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets is not provided; and that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July first of 1979."

Acts 1979, No. 671, § 28: Mar. 30, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present system of registration and licensing of small and medium size trailers is cumbersome, expensive, and time consuming; that each year thousands of dollars of tax moneys are expended unnecessarily by the State of Arkansas for the salaries of the additional



employees to process and issue licenses for trailers; and that a less expensive and more simplified system would substantially reduce the administrative costs of such system and that in order to institute an inexpensive time saving and centralized system of trailer registration and licensing and to make available to this State additional revenues without a general tax increase, it is necessary that this act become effective immediately. Therefore, an emergency is hereby declared to exist and this act, being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1981, No. 63, §§ 3, 6: July 1, 1981. Emergency clause provided: "It is hereby found and determined by the General Assembly that a more equitable distribution of the burden of registration fees should be made among those motor vehicles registered by the citizens and operated on the streets and highways of the State; that to this end those fees should be changed to more equitably distribute this burden; that the motor vehicle traffic on the public highways and streets of this State make it immediately necessary that funds be provided in order to finance adequate highway, road and street maintenance and construction programs; and that only by the immediate passage of this Act may such burden be equitably distributed and the funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and in effect on and after July 1, 1981."

Acts 1981, No. 692, §§ 3, 6: July 1, 1981. Emergency clause provided: "It is hereby found and determined by the General Assembly that a more equitable distribution of the burden of registration fees should be made among those motor vehicles registered by the citizens and operated on the streets and highways of the State; that to this end those fees should be changed to more equitably distribute this burden; that the motor vehicle traffic to the public highways and streets of this State make it immediately necessary that funds be provided in order to finance adequate highway, road and street maintenance and construction programs; and

that only by the immediate passage of this Act may such burden be equitably distributed and the funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect on and after July 1, 1981."

Acts 1981, No. 797, §§ 2, 5: July 1, 1981. Emergency clause provided: "It is hereby found and determined by the General Assembly that some vehicles are only operated on the streets and highways of the State for a limited period of time each year as a result of seasonal agricultural and commercial needs; some flexibility is needed so that these vehicles may be licensed to so operate; and that only by the immediate passage of this Act may such flexibility be achieved. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and in effect on and after July 1, 1981."

Acts 1985, No. 415, § 5: Mar. 19, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that considerable confusion and disagreement have arisen concerning eligibility of vehicles licensed as five axle natural resources vehicles for the eight percent (8%) variance authorized in subsection (g) of Section 5 of Act 98 of 1955, as amended; that it is the purpose and intent of this Act to clarify said subsection (g) in order to assure that such vehicles are eligible for the eight percent (8%) variance; and that some agencies of state government are interpreting Ark. Stat. Ann. 75-201(C)(8) differently than it was intended to be interpreted by the General Assembly and that it is necessary for the General Assembly to reaffirm its long standing policy of allowing natural resource licensees to haul natural resource products at the maximum gross loaded weights permitted to be hauled by any other type of licensee. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 103, § 4: July 1, 1989. Emergency clause provided: "It is hereby found and determined by the General As-



sembly of the State of Arkansas that the State is in serious danger of losing revenues which are necessary to provide adequate funding for essential service required by the citizens of this State and that the provisions of this act are necessary to avoid a substantial reduction in State revenues. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989."

Acts 1991, No. 219, § 10: Feb. 22, 1991. Emergency clause provided: "It is hereby found and determined by the General Assembly that many of the highways, roads and streets in this state are operationally inadequate and immediate steps must be taken to provide additional funds for the maintenance, construction and reconstruction of such highways, roads and streets; that proper maintenance, construction and reconstruction of such highways, roads and streets is essential to the public health, welfare and safety of the people of this state and that only by the immediate passage of this act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after the first day of the first month immediately following its passage and approval."

Acts 1992 (1st Ex. Sess.), Nos. 68 and 69, § 10: Mar. 20, 1992. Emergency clauses provided: "It is hereby found and determined by the General Assembly that a number of farmers in this state have recently purchased vehicles for the purposes of transporting compressed seed cotton from the farm to the market; that unfortunately many such vehicles exceed the current width and length laws of this state and when loaded with such compressed seed cotton at times exceed the current maximum weight laws; that unless the width, length and weight laws of this state are amended, such farmers will suffer a severe economic hardship; that the application for and securing of a special permit from the Arkansas State Highway Commission would result in an

unduly cumbersome and burdensome process not only for the farmer but also for the state and that only by the immediate effectiveness of this Act may these problems be solved. Therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 1261, § 4: Jan. 1, 1994.

Acts 1995, No. 389, § 6: July 1, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly that all trucks with a nominal tonnage of one ton are currently required to be registered between July 1 and July 30 of each year; that this current registration places an undue burden on owners of trucks with a nominal tonnage of 1 ton by limiting the time these vehicles can be registered; and that this act relieves this burden by allowing these trucks to be registered throughout the year. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July 1, 1995."

Acts 1995, No. 725, § 18: Mar. 21, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly that since 1977 tax collection, driver's services, motor vehicle registration and other duties imposed by law upon the Revenue Division have substantially increased; that the building housing the Revenue Division of the Department of Finance and Administration is no longer adequate to allow the Revenue Division to properly and efficiently to carry out its functions and duties; that services provided to taxpayers may be improved and expanded with the construction and use of an additional building; and, that this act is designed to alleviate the stated problems. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 974, § 21: Jan. 1, 1998.

Acts 1999, No. 385, § 6: June 1, 2000.

Acts 2001, No. 330, § 10: Jan. 1, 2002.

Acts 2005, No. 1929, § 6: effective Jan. 1, 2006.

RESEARCH REFERENCES

Ark. L. Rev. County Motor Vehicle Tax, Assessment and Licensing of Motor Vehicles, 7 Ark. L. Rev. 349.  
5 Ark. L. Rev. 370.

27-14-601. Fees for registration and licensing of motor vehicles.

(a) FEES GENERALLY. The fee for the registration and licensing of all motor vehicles shall be as follows:

(1) PLEASURE VEHICLES. For all automobiles equipped with pneumatic tires, used for the transportation of persons, there shall be charged and collected the following fees based upon the unladen weight of such automobiles:

(A) Class One — Automobiles of 3,000 lbs. or less ..... \$17.00;

(B) Class Two — Automobiles of 3,001 lbs. to and including 4,500 lbs. .... 25.00; and

(C) Class Three — Automobiles of 4,501 lbs. and over .... 30.00;

(2) AUTOMOBILES FOR HIRE. For all automobiles for hire which are equipped with pneumatic tires and used for the transportation of persons, there shall be charged and collected the fee applicable thereto as set for pleasure vehicles in subdivision (a)(1) of this section;

(3) TRUCKS AND TRAILERS. For all motor trucks, trailers, and semi-trailers including pipe and pole dollies, equipped with pneumatic tires, the license fee shall be charged on the basis of the gross loaded weight of the vehicle as follows:

(A) Class One — All trucks and vans that are rated by the manufacturer as having a nominal tonnage of one (1) ton that are used exclusively for personal transportation and are not used for commercial or business purposes and all trucks and vans that are rated by the manufacturer as having a nominal tonnage of three-quarter (3/4) ton or less shall be assessed a license fee of twenty-one dollars (\$21.00) without regard to weight. All one-ton trucks and vans that are used for commercial or business purposes shall be registered in the appropriate class according to gross laden weight;

(B) Class Two — On all such vehicles with a gross loaded weight between six thousand one pounds (6,001 lbs.) and twenty thousand pounds (20,000 lbs.), the fee to be charged shall be at the rate of six dollars and fifty cents (\$6.50) per thousand pounds of gross loaded weight of the vehicles;

(C) Class Three — On all such vehicles with a gross loaded weight between twenty thousand one pounds (20,001 lbs.) and forty thousand pounds (40,000 lbs.), the fee to be charged shall be at the rate of eight dollars and forty-five cents (\$8.45) per thousand pounds of the gross loaded weight of the vehicles;

(D) Class Four — On all such vehicles with a gross weight between forty thousand one pounds (40,001 lbs.) and fifty-six thousand pounds (56,000 lbs.), the fee to be charged shall be at the rate of eleven



dollars and five cents (\$11.05) per thousand pounds of gross loaded weight of the vehicles;

(E) Class Five — On all such vehicles with a gross loaded weight between fifty-six thousand one pounds (56,001 lbs.) and sixty thousand pounds (60,000 lbs.), the fee to be charged shall be at the rate of twelve dollars and thirty-five cents (\$12.35) per thousand pounds of gross loaded weight of the vehicles;

(F) Class Six — On all such vehicles with a gross loaded weight between sixty thousand one pounds (60,001 lbs.) and sixty-eight thousand pounds (68,000 lbs.), the fee to be charged shall be at the rate of thirteen dollars and sixty-five cents (\$13.65) per thousand pounds of gross loaded weight of the vehicles;

(G)(i) Class Seven — On all such vehicles with a gross loaded weight between sixty-eight thousand one pounds (68,001 lbs.) and seventy-three thousand two hundred eighty pounds (73,280 lbs.), the fee to be charged shall be at the rate of fourteen dollars and thirty cents (\$14.30) per thousand pounds of gross loaded weight of the vehicles.

(ii) On all such vehicles with a gross loaded weight between seventy-three thousand, two hundred eighty-one pounds (73,281 lbs.) and eighty thousand pounds (80,000 lbs.), the fee to be charged shall be one thousand three hundred fifty dollars (\$1,350);

(H) Class Eight.

(i) In order to aid in the development of the natural resources and to promote agriculture, timber harvesting, and forestry in Arkansas and in order to eliminate apparent inequities in license charges for vehicles using only improved roads and those used primarily on the farm, for timber harvesting or forestry, in the wooded areas, and off the main highway system of this state, a special classification is created to provide a different and more equitable rate for those vehicles used exclusively for the noncommercial hauling of farm or timber products produced in this state and for hauling feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or for hauling animal feed by owners of livestock or poultry for consumption in this state by livestock or poultry owned by them and for those vehicles used in hauling unfinished and unprocessed forest products and clay minerals and ores originating in Arkansas from the point of severance to a point in the state at which they first undergo any processing, preparation for processing, conversion, or transformation from their natural or severed state. Notwithstanding any provision of this subdivision (a)(3)(H) to the contrary, farmers may transport cotton seed from the gin or warehouse to the first point of sale under this special classification. Rock or stone or crushed rock or crushed stone, except rock or stone which is to undergo further processing into a finished or semifinished product other than crushed rock or crushed stone, shall not be construed as "clay minerals" or "ores" under the provisions of this classification. Notwithstanding any provision of this subdivision



(a)(3)(H) or any other law to the contrary, persons in the timber harvesting or forestry industries who transport wood waste, wood chips, or wood dust from a mill or a temporary location may transport the wood waste, wood chips, or wood dust from the mill or the temporary location to a destination for further processing under this special classification.

(ii) The annual license fees for vehicles classified as natural resources vehicles shall be as follows:

(a) For a vehicle with two (2) axles, a fee of three dollars and ninety cents (\$3.90) per one thousand pounds (1,000 lbs.) of gross loaded weight of the vehicle, with a minimum fee of thirty-two dollars and fifty cents (\$32.50) and a maximum fee of sixty-five dollars (\$65.00) for each vehicle;

(b) For a vehicle with three (3) axles, a fee of ninety-seven dollars and fifty cents (\$97.50);

(c) For a vehicle with four (4) axles, a fee of one hundred thirty dollars (\$130);

(d) For a vehicle with five (5) axles, a fee of one hundred sixty-two dollars and fifty cents (\$162.50);

(e) For a vehicle with five (5) axles used exclusively by the owner of livestock or poultry in hauling animal feed for consumption in this state by the owner's livestock or poultry, a fee of six hundred fifty dollars (\$650); and

(f) Notwithstanding any of the provisions of this subdivision (a)(3)(H) to the contrary, for a vehicle to be operated separately or in combination with other vehicles, which vehicle or combination has a total outside width in excess of one hundred two inches (102") but not exceeding one hundred eight inches (108") and is utilized or intended to be utilized to transport compacted seed cotton, the annual license fee shall be six hundred fifty dollars (\$650). Provided, any full trailer or semitrailer used in combination with such registered vehicle shall also be registered in accordance with and pursuant to the applicable fees set out in subdivision (a)(3)(I) of this section. That portion of the annual license fee established by this subdivision (a)(3)(H)(ii)(f) which equals four hundred eighty-seven dollars and fifty cents (\$487.50) is declared to be a permit fee for the use of the public roads and streets of this state by such vehicles while operated separately or in combination with other vehicles due to the unusual design and size of such vehicles or combinations of vehicles.

(iii)(a) The foregoing vehicles shall not exceed the maximum axle load permitted by law.

(b) Five-axle vehicles may haul maximum gross loaded weights of up to eighty thousand pounds (80,000 lbs.) without the purchase of any additional or different type license.

(iv) The Director of the Department of Finance and Administration shall cause to be issued special and distinctive license plates for vehicles in this classification, with separate license plates to be established for those vehicles used in the noncommercial hauling of

farm products produced in this state and for hauling feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or compacted seed cotton and separate license plates to be established for those vehicles hauling timber products, clay minerals, or ores.

(v) Before any license may be issued for a vehicle designated a natural resources vehicle, the applicant shall, by affidavit, state that he or she is familiar with the purposes for which such licenses may be used as authorized under this classification and that he or she will not use such vehicle for which application for license is made for any purpose not authorized under this classification. The applicant shall indicate on his or her affidavit whether the vehicle is to be used for the hauling of farm products, animal feed, compacted seed cotton, forest products, clay minerals, or ores.

(vi)(a) Upon submitting an affidavit, any person entitled to obtain a natural resources license for a motor vehicle used for hauling farm products as authorized under this classification if the vehicle is required for only seasonal or occasional use may be issued a natural resources license for the vehicle for the first six (6) months of the annual licensing period, at a rate equal to one-half ( $\frac{1}{2}$ ) of the annual fee but in no event less than sixty-five dollars (\$65.00) or for the last month of the current annual licensing period and the first six (6) months of the subsequent annual licensing period at a rate equal to seven-twelfths ( $\frac{7}{12}$ ) of the annual fee but in no event less than seventy-five dollars (\$75.00).

(b) The director shall issue special distinctive license plates or license plate validation decals for the vehicles, including the indication thereon of the expiration date, so as to identify them from annual natural resources plates.

(vii) The owner of any motor vehicle who is entitled to obtain a natural resources license for such motor vehicle for use in hauling farm products as authorized in this subdivision (a)(3)(H) may use such motor vehicle for the hauling of baled cotton from the cotton gin to a cotton compress without the necessity of the payment of additional license fees or the obtaining of additional license plates for such motor vehicle.

(viii) The director shall promulgate such rules and regulations as may be necessary to carry out the intent of this classification and prevent abuse thereof. However, before any such rules or regulations shall be effective, they shall be approved by majority action of the members of the State Highway Commission acting for and in behalf of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, which is the agency charged with the principal responsibility of enforcing the motor vehicle license laws of this state.

(ix) Vehicles licensed under this classification for the hauling of farm products only shall be permitted, without payment of additional fees, to transport return loads to the farm or domicile of the owner of



such vehicles where such return load contents are the property of, and to be used or consumed by, the owner of the vehicle or his family.

(x) If a violation of the natural resources classification, as authorized in this subdivision (a)(3)(H) is discovered, a license must immediately be purchased for such vehicle in accordance with the rate of license that should lawfully be required for such vehicle for so moving on the roads and highways of this state. No credit shall be given on the purchase price of such license for any amount or amounts paid for license hitherto purchased for use on such vehicle. This requirement of license purchase shall not be in lieu of any criminal prosecution.

(xi) All affidavits required under the provisions of this subdivision (a)(3)(H) shall be acknowledged by the director, his or her authorized agent, or some other person authorized by the laws of this state to administer oaths;

(I) Class Nine.

(i)(a) For the purpose of evidencing registration of trailers, semitrailers, and full trailers, there shall be issued special license plates and annual registration fees charged and collected according to the following schedule:

(1) All trailers drawn by automobiles and Class One trucks, and all boat trailers and travel trailers drawn by any truck, which truck has a load capacity of one (1) ton or less, a triennial fee of twenty-one dollars (\$21.00). Provided, however, every owner of a trailer drawn by automobiles and Class One trucks, and all boat trailers and travel trailers drawn by any truck, purchased or otherwise acquired on or after January 1, 2002 shall pay thirty-six dollars (\$36.00) for the issuance of a permanent registration that shall remain valid, without renewal, until the owner of the trailer sells or otherwise disposes of the trailer for which the registration is issued. Permanent registration issued under this subdivision (a)(3)(I)(i)(a)(1) shall not be transferred to other owners or other vehicles, and shall not be replaced under § 27-14-602(b)(6). Any owner of a trailer registered under the provisions of this subdivision before January 1, 2002 may, at his or her option, upon expiration of such registration, pay thirty-six dollars (\$36.00) for the issuance of a permanent registration as authorized in this subdivision (a)(3)(I)(i)(a)(1);

(2) All semitrailers used in combination with Class Two — Class Eight trucks, with the exception of those for which a fee is set out in subdivision (a)(3)(I)(i)(a)(1) of this section, a fee of twenty dollars (\$20.00). Provided, however, the owner of any semitrailer used in combination with Class Two — Class Eight trucks may, at his or her option, pay a fee of sixty-five dollars (\$65.00) for issuance of a permanent registration that shall remain valid, without annual renewal, until he or she sells or otherwise disposes of the semitrailer for which the registration is issued. Permanent registrations issued under this subdivision (a)(3)(I)(i)(a)(2) shall not be transferred to other owners or other vehicles and shall not be replaced under § 27-14-602(b)(6);



(3) Full trailers operated in the transportation of farm products and other natural resources described as Class Eight, a fee of eight dollars (\$8.00); and

(4) For all other full trailers there shall be charged an annual license fee computed on the gross loaded weight of the vehicle at the appropriate rate provided by Class Two — Class Seven of subdivision (a)(3) of this section.

(b) For the purpose of evidencing registration of a combination of truck-tractor and semitrailer classified by subdivision (a)(3)(I)(i)(a)(2), the license fee for the gross weight of the combination shall be computed at the appropriate rate provided by Class Two — Class Eight of subdivision (a)(3) of this section and shall be applied to the registration of the truck tractor.

(ii)(a) "Gross loaded weight" as used in this section means the weight of the vehicle or vehicles plus the load to be hauled.

(b)(1) If any truck, trailer, or semitrailer, as provided in this section, is at any time found to be operating on the highways of Arkansas with a gross loaded weight in excess of the weight permitted by the license registration thereon, the owner or his or her agent must then and there, before proceeding, pay an additional license fee on the truck, trailer, or semitrailer, or combination, on the basis of one dollar and thirty cents (\$1.30) per one hundred pounds (100 lbs.), or fraction thereof, for the excess weight. For the purpose of ascertaining excess loaded weight on any truck, trailer, semitrailer, or combination thereof, a tolerance of one thousand pounds (1,000 lbs.) over and above the permitted weight, as indicated by the license registration certificate thereof, shall be allowed before the additional license fee required in this subdivision (a)(3)(I)(ii)(b)(1) shall be charged.

(2) It shall be unlawful for any truck to operate on the highways of Arkansas without the license registration card being, at all times, in the possession of the operator thereof. This card shall, at all times, be subject to inspection.

(3) Any truck, trailer, or semitrailer, or combination thereof, on which an additional license fee is paid because of excess weight, as provided in this subdivision (a)(3)(I)(ii)(b), shall be permitted for the remaining portion of the regular license year to operate at the newly established weight limit.

(4) In no event shall any license be issued for a greater weight than that permitted by law governing axle loads; and

(J)(i) The director shall cause to be issued special and distinctive license plates for vehicles licensed under Class Two — Class Seven in this section, which are utilized as wreckers or tow vehicles and that hold a permit issued by the Arkansas Towing and Recovery Board under § 27-50-1203 and the rules and regulations promulgated thereunder.

(ii) Before any license may be issued for a vehicle designated as a wrecker or tow vehicle, the applicant shall furnish to the director a

certification from the board that the wrecker or tow vehicle has been permitted as a wrecker or tow vehicle by the board.

(iii) Beginning January 1, 2008, every wrecker or tow vehicle permitted by the board shall obtain upon initial registration or at the time of next renewal a distinctive wrecker or tow vehicle license plate.

(iv) In addition to the fee for the respective Class Two — Class Seven license, the director may assess a handling and administrative fee in the amount of ten dollars (\$10.00) for each distinctive wrecker or tow vehicle license plate.

(v) A wrecker or tow vehicle licensed pursuant to the International Registration Plan may obtain the distinctive wrecker or tow vehicle license plate to be displayed in addition to any license plate held pursuant to the International Registration Plan;

(4) MOTORCYCLES.

(A) For the registration of motorcycles, there shall be charged and collected a fee of six dollars and fifty cents (\$6.50) per annum.

(B) For the registration of motor-driven cycles, there shall be charged and collected a fee of three dollars and twenty-five cents (\$3.25) per annum.

(C) For the registration of motorcycle sidecars, there shall be charged and collected an additional registration fee of one dollar and ninety-five cents (\$1.95) per annum;

(5) HEARSES AND AMBULANCES. For the registration of hearses and other funeral cars or ambulances, there shall be charged and collected a fee of forty-five dollars and fifty cents (\$45.50) per annum; and

(6) DEALERS.

(A) A “dealer”, for the purposes of this subdivision (a)(6), means a person, firm, or corporation engaged in the business of buying and selling vehicles subject to registration in this state.

(B)(i) As a condition precedent to obtaining dealer’s license plates, the dealer shall furnish the director a certification that the applicant is a vehicle dealer and has a bona fide, established place of business used for the sale of vehicles, an office used for that business, a telephone listed in the name of the business, and a sign identifying the establishment. Certification shall be required for all renewals of dealer license plates. This dealer certification shall not apply to dealers licensed by the Department of Arkansas State Police, the Arkansas Motor Vehicle Commission, or the Arkansas Manufactured Home Commission and who are regulated by those authorities. The dealer certification shall consist of completion of a self-certification form prepared by the Office of Motor Vehicle.

(ii)(a) Except as provided in subdivision (a)(6)(B)(iv) of this section for dealers who sell only all-terrain vehicles, upon furnishing the certification to the director, or a copy of the dealer’s license from either the Department of Arkansas State Police or the Arkansas Motor Vehicle Commission and the payment of a fee of one hundred dollars (\$100), the dealer shall be issued a master license plate and



upon the payment of a fee of twenty-five dollars (\$25.00) shall be issued a dealer's extra license plate as provided in § 27-14-1704. However, the dealer must secure a master license plate for each separate place of business.

(b) No more than one (1) dealer's extra license plate shall be issued for each manager, sales manager, or salesperson of the dealer as authorized under § 27-14-1704, regardless of whether the dealer sells automobiles, motorcycles, or both automobiles and motorcycles.

(c) Notwithstanding any other provision of this chapter, the Office of Motor Vehicle shall provide distinctive dealer's master and extra license plates for motorcycles. Motorcycle dealers shall not be provided and shall not be authorized to use dealer's license plates designed for any motor vehicle other than a motorcycle unless the dealer provides proof to the satisfaction of the Office of Motor Vehicle that the dealer is also in the business of selling new or used motor vehicles of the type for which the dealer plate is sought.

(iii)(a) Upon furnishing certification to the director or a copy of the dealer's license from the Arkansas Manufactured Home Commission and upon the payment of fifty dollars (\$50.00), the manufactured home dealer shall be issued certification from the director for the purpose of assigning manufactured home titles.

(b) Each location shall be treated as a separate entity, and certification by the department shall be required for each location.

(c) Notwithstanding any other provision of this chapter, the Office of Motor Vehicle shall provide distinctive dealer's license plates for manufactured homes. Manufactured home dealers shall not be provided and shall not be authorized to use dealer's license plates designed for a motor vehicle, motorcycle, or anything other than a manufactured home.

(iv)(a) Upon furnishing certification to the director or a copy of the dealer's license from the Arkansas Motor Vehicle Commission and upon the payment of one hundred dollars (\$100), dealers engaged exclusively in the business of buying and selling all-terrain vehicles, as defined in § 27-21-102, shall be issued certification from the director for the purpose of assigning all-terrain vehicle titles.

(b) Each dealer location shall be treated as a separate entity, and certification by the director shall be required for each location.

(c) Notwithstanding any other provision of this chapter, all-terrain vehicle dealers that are engaged solely in the business of buying and selling all-terrain vehicles shall not be provided and shall not be authorized to use dealer's license plates designed for any motor vehicle required to be registered for operation on public streets and highways.

(C) When a dealer's master license plate or extra license plate is attached to any dealer-owned motor vehicle, the motor vehicle may be used by the dealer, a manager, a sales manager, or a salesperson employed by the dealership to drive to or from work and for personal or business trips inside or outside the dealer's county of residence.



(D) In addition to any other penalty prescribed by this chapter, any dealer, manager, sales manager, or salesperson of the dealer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a dealer's master license plate or dealer's extra license plate or of allowing anyone else to misuse a dealer's master license plate or dealer's extra license plate shall be fined not more than two hundred fifty dollars (\$250) for the first offense, not more than five hundred dollars (\$500) for the second offense, and not more than one thousand dollars (\$1000) for the third and subsequent offenses.

(b) PERIOD COVERED AND EXPIRATION OF REGISTRATION.

(1) On all motor vehicles, except trucks other than Class One trucks as defined in § 27-14-1002, truck-tractors, trailers, and semitrailers, and combinations thereof, the duration and expiration of registration shall be in accord with the provisions of § 27-14-1011, and all fees provided in this section for those motor vehicles shall be due and payable annually as provided therein.

(2)(A) On all trucks except Class One trucks as defined in § 27-14-1002, truck-tractors, trailers, and semitrailers, and combinations thereof, except trailers drawn by automobiles and Class One trucks, the registration shall be valid for twelve (12) months from the month of issuance of registration, and all fees provided in this section for those vehicles shall be due and payable annually during the twelfth month of the registration period.

(B) No person shall have the authority to extend the time for payment of such fees past the period specified in this subdivision (b)(2).

(C) The provisions of this subdivision (b)(2) shall not apply to trailers drawn by automobiles or by Class One trucks.

(D)(i) The director shall, upon request, assign the same registration period to any owner of two (2) or more trucks, truck-tractors, trailers, and semitrailers, and combinations thereof, except Class One trucks as defined in § 27-14-1002.

(ii) The director shall, upon request, assign a different month of registration other than the vehicle's current month of registration to any owner of a truck, truck-tractor, trailer, and semitrailer, and combinations thereof, except Class One trucks as defined in § 27-14-1002, and all fees shall be prorated accordingly on a monthly basis.

(c) NATURE OF FEES. Each of the fees authorized in this section is declared to be a tax for the privilege of using and operating a vehicle on the public roads and highways of the State of Arkansas.

(d)(1) All taxes, fees, penalties, interest, and other amounts collected under the provisions of this section, with the exception of that portion of the fee declared to be a permit fee and collected pursuant to subdivision (a)(3)(H)(ii)(f) of this section, shall be classified as special revenues and shall be deposited in the State Treasury. After deducting the amount to be credited to the Constitutional Officers Fund and the State Central Services Fund as provided under the Revenue Stabilization Law, § 19-5-101 et seq., the Treasurer of State shall transfer on the last business day of each month:

(A) Fifteen percent (15%) of the amount thereof to the County Aid Fund;

(B) Fifteen percent (15%) of the amount thereof to the Municipal Aid Fund; and

(C) Seventy percent (70%) of the amount thereof to the State Highway and Transportation Department Fund.

(2) The funds shall be further disbursed in the same manner and used for the same purposes as set out in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

(3) That portion of the annual license fee collected pursuant to subdivision (a)(3)(H)(ii)(f) of this section declared to be a permit fee shall be classified as special revenues and shall be deposited in the State Treasury. The Treasurer of State shall transfer on the last business day of each month all of such portions of such annual license fees to the State Highway and Transportation Department Fund to be utilized for the construction, reconstruction, and maintenance of highways and bridges in the state highway system.

(e) PENALTY.

(1) Any person owning a vehicle on which a fee is required to be paid under the terms of this section who shall operate it or permit it to be operated on a public road in this state without having paid the fee required by this section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than double the fee provided for and not more than three thousand dollars (\$3,000).

(2) If the arresting officer is:

(A) An officer of the Department of Arkansas State Police, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration for deposit into the Department of Arkansas State Police Fund, to be used for the purchase and maintenance of state police vehicles;

(B) An officer of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration for deposit into the State Highway and Transportation Department Fund, to be used for the purchase and maintenance of highway police vehicles;

(C) A county law enforcement officer, the fine collected shall be deposited into the county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforce-



ment agencies, lifesaving medical apparatus, and law enforcement apparatus, to be used for those purposes; and

(D) A municipal law enforcement officer, the fine collected shall be deposited in that municipality's fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, lifesaving medical apparatus, and law enforcement apparatus, to be used for those purposes.

**History.** Acts 1929, No. 65, § 24; 1931, No. 237, § 1; 1933, No. 6, § 1; 1933, No. 36, §§ 1, 2; 1933, No. 44, § 1; 1933, No. 51, § 1; 1934 (2nd Ex. Sess.), No. 11, §§ 31-33; Pope's Dig., §§ 6615, 11270-11272; Acts 1941, No. 377, § 1; 1943, No. 205, § 1; 1949, No. 235, §§ 1, 8; 1951, No. 59, § 1; 1951, No. 78, § 1; 1953, No. 377, § 1; 1959, No. 462, § 2; 1963, No. 142, § 1; 1965, No. 493, § 8; 1965 (1st Ex. Sess.), No. 42, § 1; 1967, No. 21, § 1; 1967, No. 82, § 1; 1967, No. 452, § 1; 1971, No. 181, § 1; 1971, No. 348, § 1; 1971, No. 469, § 1; 1975, No. 194, § 1; 1975 (Extended Sess., 1976), No. 1235, §§ 1, 2; 1979, No. 440, §§ 1, 5; 1979, No. 671, §§ 23, 24; 1981, No. 63, §§ 1, 2; 1981, No. 692, §§ 1, 2; 1981, No. 797, § 1; 1983, No. 890, § 1; 1985, No. 415, § 2; 1985, No. 893, § 1; 1985, No. 1006, § 1; A.S.A. 1947, §§ 75-201, 75-201.7; Acts 1987, No. 145, § 1; 1987, No. 537, § 1; 1987, No. 945, § 5; 1989, No. 103, § 1; 1991, No. 96, §§ 1, 2; 1991, No. 219, §§ 1, 2, 6; 1992 (1st Ex. Sess.), No. 68, §§ 1, 2; 1992 (1st Ex. Sess.), No. 69, §§ 1, 2; 1993, No. 490, §§ 14, 15; 1993, No. 905, § 1; 1995, No. 357, § 5; 1995, No. 389, §§ 1, 2; 1997, No. 297, § 1; 1997, No. 809, § 1; 1997, No. 1047, § 1; 1999, No. 385, § 1; 1999, No. 1443, § 1; 2001, No. 330, § 1; 2001, No. 923, §§ 1, 2; 2001, No. 1431, § 1; 2003, No. 343, § 1; 2003, No. 361, § 1; 2003, No. 463, §§ 1, 2; 2003, No. 833, §§ 1, 2; 2005, No. 1929, § 1; 2005, No. 1934, § 17; 2005, No. 1950, § 1; 2007, No. 347, §§ 1, 2; 2007, No. 1412, § 5.

**A.C.R.C. Notes.** Acts 1991, No. 219, § 9, in part, provided: "Provided, nothing in this act shall be construed to amend, abrogate, modify, or repeal any of the provisions of the 'Petroleum Storage Tank Trust Fund Act', Arkansas Code § 8-7-901 et seq., and the fees levied by that act on each gallon of motor fuel or distillate special fuels shall continue to be collected as provided by those Code sections in addi-

tion to all taxes and fees imposed by other sections of the Code on such fuel or fuels as well as those additional taxes and fees imposed by this act."

Acts 1992 (1st Ex. Sess.), Nos. 68 and 69, § 9 provided: "All laws and parts of laws in conflict with this Act are hereby repealed, however, it is declared to be the intent of the General Assembly in amending subsection (d) of Arkansas Code § 27-41-601 [§ 27-14-601] by this Act to not only dedicate a portion of the fees to the State Highway and Transportation Department Fund collected for the separate registration of certain vehicles utilized or intended to be utilized to transport compacted seed cotton, under certain restrictions set out in this Act, but also to clarify the intent of the General Assembly that all other taxes, fees, penalties, interest and other amounts collected under Arkansas Code § 27-14-601 be distributed in the same manner and utilized for the same purposes as set out in the Arkansas Highway Revenue Distribution Law, Arkansas Code § 27-70-201, et seq., including an initial distribution of such taxes, fees, penalties, interest and other amounts to the County Aid Fund, the Municipal Aid Fund, and the State Highway and Transportation Department Fund. It is further declared by the General Assembly that the amendment contained in this Act to subsection (d) of Arkansas Code § 27-14-601 is in no way intended to repeal, amend, or abrogate the provisions of Arkansas Code § 26-56-222."

**Publisher's Notes.** Acts 1949, No. 235, § 8, provided, in part, that Acts 1927, No. 241; Acts 1929, No. 65, § 36; Acts 1939, No. 115; Acts 1941, No. 354; Acts 1943, No. 144; Acts 1945, No. 31; Acts 1945, No. 60; Acts 1945, No. 117; Acts 1947, No. 45; and Acts 1947, No. 416 would remain in full force and effect and were cumulative of the provisions of the act.

Acts 1975, No. 194, § 2, provided that the provisions of the act were to be supple-



mental to the laws of this state pertaining to the issuance and use of a motor vehicle license tag for trucks which haul farm products and were intended to repeal only such laws or parts of laws as were specifically in conflict with the act.

Acts 1991, No. 219, § 6, is also codified as § 26-56-222.

**Amendments.** The 2005 amendment by No. 1929 added (a)(6)(B)(ii)(b) and (c), and (a)(6)(B)(iii)(c); inserted “as provided in § 27-14-1704” in (a)(6)(B)(ii)(a); and in (a)(6)(D), inserted “In addition to any other penalty prescribed by this chapter” at the beginning, “manager, sales manager, or salesperson of the dealer” following “dealer,” “master” preceding “license plate” twice, and “or dealer’s extra license plate” following “license plate” twice.

The 2005 amendment by No. 1934 inserted “collected” following “fine” throughout this section; in (e)(2)(A) and (B), substituted “remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form pro-

vided by that office for deposit” for “deposited in the State Treasury and credited to” and “deposited,” respectively.

The 2005 amendment by No. 1950, in (a)(3)(H), inserted “timber harvesting, and forestry” “for timber harvesting or forestry” and “or timber” and added the last sentence; and made minor stylistic changes throughout this section.

The 2007 amendment by No. 347, in (a)(6)(B)(ii)(a), substituted “Except as provided in subdivision (a)(6)(B)(iv) of this section for dealers who sell only all terrain-vehicles, upon” for “Upon” and deleted the former second sentence; and added (a)(6)(B)(iv).

The 2007 amendment by No. 1412 added (a)(3)(J).

**Effective Dates.** Acts 1999, No. 385, § 6: June 1, 2000.

Acts 2001, No. 330, § 10: Jan. 1, 2002.

Acts 2005, No. 1929, § 6: effective Jan. 1, 2006.

**Cross References.** Motorcycles and motorized cycles generally, § 27-20-101 et seq.

## CASE NOTES

### ANALYSIS

Constitutionality.  
Automobiles for Hire.  
Collection of Fees.  
Counties.  
Local Privilege Taxes.  
Mail Carriers.  
Nature of Fees.  
Sales Tax.  
Trucks and Trailers.

### Constitutionality.

This section is not violative of the interstate commerce clause nor void because it discriminates against interstate carriers by reason of its failure to distinguish between trucks continually in use and those used only occasionally. *Aero-Mayflower Transit Co. v. Watson*, 5 F. Supp. 1009 (E.D. Ark. 1934).

Prior to enactment of subdivision (a)(2) of this section, classification of former provisions in this section prescribing a fee based on horsepower for vehicles used for transportation of persons for hire was not unconstitutional although the classification was unfair and unequal as to taxicab

operators. *U-Drive-Em Corp. v. Wiseman*, 189 Ark. 1163, 76 S.W.2d 960 (1934).

Former provisions were held not unconstitutional in that they provided for a higher license fee for five-passenger taxicabs than for pleasure vehicles, as this section specifically provided that this tax was for the privilege of using public roads and highways, and legislative classification for the purpose of taxation of a privilege was proper as long as there was no discrimination between persons in like situations and pursuing the same class of occupation. *Potts v. McCastlain*, 240 Ark. 654, 401 S.W.2d 220 (1966), cert. denied, 385 U.S. 946, 87 S. Ct. 319, 17 L. Ed. 2d 225 (1966) (decision prior to 1967 amendment by Acts 1967, No. 21).

### Automobiles for Hire.

One who hired or rented to individuals applying therefor automobiles to be operated by the hirer at his own risk and discretion was neither a private nor a public carrier of passengers or engaged in the business of using motor vehicles for the transportation of passengers for hire within former similar statute. *State v.*

Dabney, 176 Ark. 1071, 5 S.W.2d 304 (1928) (decision under prior law).

**Collection of Fees.**

The State Highway and Transportation Department lacked standing to appeal from a chancellor's ruling that a corporation owed the Department of Revenue (now Department of Finance and Administration) past due registration fees, since the highway department was not the agency charged with the duty of collecting the fees. *Gray v. Ragland*, 277 Ark. 232, 640 S.W.2d 788 (1982).

**Counties.**

Prior to enactment of § 27-15-1302, counties were required to pay the fee upon motor vehicles owned by them. *Blackwood v. Sibeck*, 180 Ark. 815, 23 S.W.2d 259 (1930).

**Local Privilege Taxes.**

Where people of a county passed an initiated act under provisions of Ark. Const. Amend. 7 which imposed a privilege tax on motor vehicles as well as wagons and buggies, the provisions relative to tax on motor-drawn vehicles were void, as state had already covered this tax field, and the provisions relative to wagons and buggies were also void, since people did not intend to tax wagons and buggies if motor-drawn vehicles could not be taxed. *Allen v. Langston*, 216 Ark. 77, 224 S.W.2d 377 (1949).

**Mail Carriers.**

This section has no applicability to a rural mail carrier, such carrier being an

officer of the federal government. *Blackwood v. Welch*, 179 Ark. 979, 18 S.W.2d 1023 (1929).

**Nature of Fees.**

License fee is a tax on the privilege of driving on highways and not on the property or possession thereof. *Wiseman v. Madison Cadillac Co.*, 191 Ark. 1021, 88 S.W.2d 1007 (1935).

**Sales Tax.**

The amount of the automobile license fee is not deductible from the sales tax on automobile sales. *Wiseman v. Madison Cadillac Co.*, 191 Ark. 1021, 88 S.W.2d 1007 (1935).

**Trucks and Trailers.**

One operating a truck with a load thereon greater than the tonnage on which its license fee is based is subject to penalty. *Commercial Whse. v. State*, 187 Ark. 851, 62 S.W.2d 20 (1933); *State v. Formby*, 195 Ark. 746, 114 S.W.2d 5 (1938).

This section requires the payment of license fees in proportion to the load capacity of a truck and is not affected by §§ 27-35-107 and 27-35-108, and therefore one cannot purchase a license to operate a 1½ ton truck and haul a load in excess thereof by equipping the truck with dual tires on the rear wheels. *State v. Formby*, 195 Ark. 746, 114 S.W.2d 5 (1938).

**Cited:** *Jones v. City of Newport*, 29 Ark. App. 42, 780 S.W.2d 338 (1989); *Miller v. Leathers*, 312 Ark. 522, 851 S.W.2d 421 (1993).

**27-14-602. Registration fees.**

(a) Fees shall be paid to the Office of Motor Vehicle for the registration of motor vehicles, trailers, and semitrailers under this chapter.

(b) The following fees shall be charged under this chapter by the Commissioner of Motor Vehicles:

- (1) For each certificate of title ..... \$1.00
- (2) For each duplicate certificate of title ..... 1.00
- (3) For noting each lien ..... .50
- (4) For transfer of registration ..... 1.00
- (5) For duplicate or substitute registration certificate ..... 1.00
- (6) For duplicate or substitute license plate ..... 1.00

**History.** Acts 1949, No. 142, §§ 82, 83; 1965, No. 493, § 2; A.S.A. 1947, §§ 75-182, 75-183.

**27-14-603. Fee for special numbered license plates.**

(a) There is levied a service fee of five dollars (\$5.00) to be added to the regular fee imposed for motor vehicle license plates collected by the Commissioner of Motor Vehicles in all instances where a special number is reserved for any motor vehicle license plate applicant.

(b) These fees shall be treated as regular license fees and deposited accordingly as provided by law.

**History.** Acts 1953, No. 113, § 1; A.S.A. 1947, § 75-201.1.

**27-14-604. Refunds.**

(a) Whenever any application to the Office of Motor Vehicle is accompanied by any fee as required by law and the application is refused or rejected, the fee shall be returned to the applicant.

(b) Whenever the office through error collects any fee not required to be paid under this chapter, it shall be refunded to the person paying it upon application therefor made within six (6) months after the date of the payment.

**History.** Acts 1949, No. 142, § 84; A.S.A. 1947, § 75-184.

**CASE NOTES**

**Cited:** Miller v. Leathers, 312 Ark. 522, 851 S.W.2d 421 (1993).

**27-14-605. Credit if vehicle destroyed.**

Upon satisfactory proof to the Director of the Department of Finance and Administration that any motor vehicle, duly licensed, has been completely destroyed by fire or collision, the owner of the vehicle may be allowed, on the purchase of a new license for another vehicle, a credit equivalent to the unexpired portion of the cost of the original license, dating from the first day of the next month after the date of the destruction.

**History.** Acts 1939, No. 386, § 23; A.S.A. 1947, § 75-260.

**27-14-606. Disposition.**

(a) All fees collected under § 27-14-602 shall be deposited into the 1995 New Revenue Division Building Fund as cash funds and shall be used for the repayment of bonds which may be issued by or for the benefit of the Arkansas Revenue Department Building Commission pursuant to the 1995 New Revenue Division Building Act.

(b) All fees collected by the circuit clerk and recorder as required by this chapter shall not be affected by the provisions of this section.



**History.** Acts 1949, No. 142, § 85; 1965, No. 493, § 3; A.S.A. 1947, § 75-185; Acts 1995, No. 725, § 7.

**Cross References.** The 1995 New Revenue Division Building Act, Title 19 Appendix.

### **27-14-607. Alternate registration procedures.**

(a) The Director of the Department of Finance and Administration is authorized to allow vehicles to be registered for a renewal period of two years, if the director determines that such two-year renewal period would facilitate the vehicle registration process. If a vehicle registration is renewed for a two-year period, the renewal fee shall be twice the annual renewal fee for that vehicle, plus the cost of the annual license plate validation decal for both years for that vehicle.

(b) The director is authorized to provide for the registration of vehicles by mail, telephone, electronically, or any other method which the director determines would facilitate the vehicle registration process.

**History.** Acts 1997, No. 974, § 15.

**A.C.R.C. Notes.** Acts 1997, No. 974, § 19, codified as § 27-3-103, provided: "The Director of the Department of Finance and Administration shall have the authority to promulgate such regulations as are necessary to implement and administer the provisions of this Act."

**Publisher's Notes.** Former § 27-14-607, concerning an additional motor vehicle registration fee for the annual renewal of registered and licensed motor vehicles, was repealed by Acts 1995, No. 330, § 1. The section was derived from Acts 1993, No. 1261, § 2.

### **27-14-608. Payment by credit card.**

(a) The Director of the Department of Finance and Administration is authorized to promulgate regulations providing for payment by credit card of any fees or taxes due upon the issuance or renewal of a vehicle registration, except a vehicle registration issued or renewed under the provisions of § 27-14-601(a)(3)(B)-(H) or the provisions of § 27-14-601(a)(3)(I)(i)(a)(2)-(4). The director may allow the payment of these fees or taxes by credit card if the director determines that payment by credit card would facilitate the administration of the motor vehicle registration program.

(b) The director is authorized to enter into contracts with credit card companies and to pay fees normally charged by those companies for allowing the use of their credit cards as authorized by this section.

(c)(1) From the net proceeds received, or receivable, from credit card companies for all fees or taxes paid by credit card, the director shall pay the full sum specified in § 27-14-1015(d)(1) to the Arkansas Development Finance Authority. The balance of the net proceeds received, or receivable, from credit card companies shall be prorated to the various funds for which they were collected and deposited into the State Treasury for transfer on the last business day of each month, in the same manner and to be used for the same purposes as all other fees and taxes collected upon the issuance or renewal of vehicle registrations.

(2) Any amounts deducted from the gross proceeds of vehicle registration fees or taxes paid by credit card, which are deducted for the purpose of paying credit card company fees, shall be cash funds not subject to appropriation and, if withheld by the director, shall be remitted by the director to credit card companies as required under contracts authorized by this section.

**History.** Acts 1997, No. 974, § 16.

**A.C.R.C. Notes.** Acts 1997, No. 974, § 19, codified as § 27-3-103, provided: “The Director of the Department of Fi-

nance and Administration shall have the authority to promulgate such regulations as are necessary to implement and administer the provisions of this Act.”

**27-14-609. Provision of information.**

(a)(1) The Office of Motor Vehicle shall maintain on its website information to inform the citizens of the State of Arkansas of changes in the driving laws of the state.

(2) The office shall make the website address related to the information required under subdivision (a)(1) of this section available at all state revenue offices.

(b)(1) The office shall by July 1 of each year prepare a list and explanation of the most-violated driving or traffic laws during the previous year.

(2) The office shall make the information required under subdivision (b)(1) of this section available at all state revenue offices and on its website.

(c) The office is authorized to promulgate rules to administer the provisions of this subchapter.

**History.** Acts 2005, No. 2118, § 1.

**SUBCHAPTER 7 — REGISTRATION AND CERTIFICATES OF TITLE**

SECTION.	SECTION.
27-14-701. Requirements — Exception.	27-14-710. Grounds for refusing registration or certificate of title.
27-14-702. No other license required.	27-14-711. Examination of registration records and index of stolen and recovered vehicles.
27-14-703. Vehicles subject to registration — Exceptions.	27-14-712. Registration indexes.
27-14-704. Motor vehicles registered in foreign states.	27-14-713. Issuance of registration certificates and certificates of title.
27-14-705. Application for registration and certificate of title.	27-14-714. Registration certificate to be signed, carried, and exhibited on demand.
27-14-706. [Repealed.]	27-14-715. Issuance of license plates.
27-14-707. Application for specially constructed, reconstructed, or foreign vehicles.	27-14-716. Display of license plates generally.
27-14-708. Temporary permit pending registration.	
27-14-709. Half-year license.	

## SECTION.

- 27-14-717. License plates for proper year alone to be displayed — Exception.
- 27-14-718. Application for renewal of registration.
- 27-14-719. No renewal of title certificates.
- 27-14-720. Lost or damaged certificates and plates.

## SECTION.

- 27-14-721. Assignment of new identifying numbers.
- 27-14-722. Change of engines.
- 27-14-723. When residents and nonresidents to obtain state registration and license.
- 27-14-724. [Repealed.]
- 27-14-725. Limited vehicle identification number verification.

**Cross References.** Registration of motorcycles and motor-driven cycles, § 27-20-105.

Registration of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles, § 27-20-202.

**Effective Dates.** Acts 1911, No. 134, § 20: effective on passage. Approved Mar. 24, 1911.

Acts 1943, No. 143, § 2: Mar. 4, 1943. Emergency clause provided: "Whereas, it is hereby ascertained that residents of other states are being discriminated against with reference to the operation of motor vehicles coming into this State upon occasional and irregular trips and thereby transportation barriers have been created between this State and other states; and

"Whereas, It is the intent of the General Assembly to remove such barriers and to cooperate with the Federal Government in all matters regarding transportation over the highways of this State;

"Therefore, an emergency is hereby declared to exist and this Act to take effect and be in force from and after its passage and approval."

Acts 1945, No. 117, § 4: approved Feb. 27, 1945. Emergency clause provided: "It being considered necessary by the Legislature to more actively and efficiently to prevent violation of the Motor Vehicle License Law and to more effectively identify vehicles involved in accidents on the highways, an emergency is hereby declared, it being deemed necessary for the public peace, health and safety, and this Act shall be in full force and effect immediately upon and after its passage."

Acts 1953, No. 144, § 4: approved Feb. 25, 1953. Emergency clause provided: "It is hereby determined that matters vitally affecting the welfare of the State of Arkan-

sas must be dealt with by the Fifty-Ninth General Assembly, and this Act being necessary for the preservation of the peace, health and safety of the people, an emergency is hereby declared to exist, and this Act shall take effect and be in full force from and after its passage."

Acts 1955, No. 110, § 4: effective on passage. Approved Feb. 25, 1955.

Acts 1965 (1st Ex. Sess.), No. 38, § 4: June 9, 1965. Emergency clause provided: "It is hereby found and determined by the General Assembly that legislation is being contemplated for increasing motor vehicle license fees, and that in order to expedite the collection of motor vehicle license fees and to prevent abuses in collection and to equalize the motor vehicle tax burden the immediate passage of this Act is necessary. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1965 (2nd Ex. Sess.), No. 4, § 4: Nov. 6, 1965. Emergency clause provided: "It is hereby found and determined by the General Assembly that the requirement of the present law that the motor vehicle registration certificate be carried in the vehicle or on the person driving or in control of the vehicle is necessary to the proper enforcement of the laws of this State relative to the theft of motor vehicles, but that such requirement, with the accompanying penalty for failure to comply, places an undue burden upon motorists in this State; that the provisions of this Act will retain such requirement but will relieve persons of the penalty for failure to comply if such person produces in court a registration certificate for such vehicle which was issued prior to and was



in effect at the time of the demand by an officer to display the same and at the time of the arrest for failure to do so; and that this act is immediately necessary to relieve the aforementioned burden upon motorists in this State. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in effect from the date of its passage and approval."

Acts 1979, No. 439, §§ 2, 5: July 1, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that existing highway user revenue sources do not provide for the adequate maintenance, repair, construction and reconstruction of state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order to finance an adequate highway and street maintenance and construction Program; that the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets is not provided; and that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July first of 1979."

Acts 1981, No. 40, §§ 2, 5: July 1, 1981. Emergency clause provided: "It is hereby found and determined by the General Assembly that existing title application and transfer fees may jeopardize the free flow of commerce constituting the trade and sale of motor vehicles; that the motor vehicular traffic on the public highways and streets of this State makes it necessary that funds be provided in order to finance an adequate highway and street maintenance construction program; and that only by the immediate passage of this Act may such such funds be fairly provided. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July 1, 1981."

Acts 1983, No. 178, § 2: Feb. 15, 1983. Emergency clause provided: "It is hereby found and determined by the Seventy-Fourth General Assembly of the State of Arkansas, meeting in Regular Session, that a delay in the effective date of this Act beyond June 1, 1983 would nullify the purposes for which this enactment is provided, and would work irreparable harm upon the proper administration of essential governmental programs. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval."

Acts 1983, No. 753, § 3: Mar. 24, 1983. Emergency clause provided: "It is hereby found and determined by the General Assembly that the requirement that a person acquiring a motor vehicle after January 1 of any calendar year must list such vehicle for assessment of ad valorem taxes is inequitable and that this Act is immediately necessary to eliminate such requirement. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term 'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 974, § 21: Jan. 1, 1998.

Acts 1999, No. 385, § 6: June 1, 2000.

Acts 2003, No 1329, § 2: Apr. 14, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that automobile thieves throughout the United States are registering stolen vehicles in Arkansas and obtaining certificates of title to these vehicles; that requiring verification of a vehicle identification number for foreign vehicles by an authorized law enforcement agency in Arkansas will reduce the sale of stolen vehicles and the rate of insurance fraud; and that this act accomplishes those goals without interfering with the registration process for bona fide new residents of Arkansas. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2005, No. 165, § 3: Feb. 15, 2005. Emergency clause provided: "It is found

and determined by the General Assembly of the State of Arkansas that the current vehicle identification number verification law is overbroad; that the law enforcement agencies and state police in border counties and municipalities in the state are being inundated with requests to inspect foreign vehicles; that the current law needs to be repealed and replaced with a limited vehicle identification number verification law that does not unduly burden legitimate businesses and consumers; and that this act is immediately necessary to streamline the vehicle identification number verification process and reduce the administrative workload of the Department of Arkansas State Police and local law enforcement agencies. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become immediately effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## RESEARCH REFERENCES

**Ark. L. Rev.** Assessment and Licensing of Motor Vehicles, 7 Ark. L. Rev. 349.

Nickles, A Localized Treatise On Secured Transactions — Part II: Creating Security Interests, 34 Ark. L. Rev. 559.

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### 27-14-701. Requirements — Exception.

(a) It shall be a misdemeanor for any person to drive or move, or for an owner knowingly to permit to be driven or moved, upon any highway, any vehicle of a type required to be registered under this chapter which is not registered within the time period prescribed by law, or for which a certificate of title has not been issued or applied for within the time period prescribed by law, or for which the appropriate fee has not been paid when and as required under this chapter.

(b) When application accompanied by proper fee has been made for registration and certificate of title for a vehicle, it may be operated temporarily pending complete registration upon displaying a duplicate application, duly verified, or other evidence of such application or



otherwise under rules and regulations promulgated by the Commissioner of Motor Vehicles.

(c) The purchaser of any new or used motor vehicle may operate the vehicle upon the public highways prior to making application for or obtaining registration thereof, if the person carries in the vehicle at all such times a title to the vehicle which is assigned to such purchaser or a notarized bill of sale evidencing the transfer of the vehicle to the purchaser.

**History.** Acts 1949, No. 142, § 31; 1983, No. 252, § 1; A.S.A. 1947, § 75-131.

## CASE NOTES

### ANALYSIS

Construction Equipment.  
Foreign Creditors.

#### **Construction Equipment.**

Motor vehicle registration law does not apply to construction equipment such as a road scraper. *Allis-Chalmers Mfg. Co. v. Glover*, 234 Ark. 948, 355 S.W.2d 606 (1962).

#### **Foreign Creditors.**

The fact that the debtor may have avoided higher fees or taxes imposed by

the State of Arkansas by registering and titling his vehicles in Oklahoma is of no consequence to the perfection question, and the appropriate outcome for debtor's failure to comply with Arkansas state law is not to punish the creditor, but if the state chooses to enforce the relevant provisions of Arkansas law, the appropriate and existing remedies are prosecution of the debtor. *Meeks v. Mercedes-Benz Credit Corp. (In re Stinnett)*, 241 B.R. 599 (Bankr. W.D. Ark. 1999).

**Cited:** *House v. Hodges*, 227 Ark. 458, 299 S.W.2d 201 (1957).

## **27-14-702. No other license required.**

(a) No owner of a motor vehicle who shall have obtained a certificate from the Director of the Department of Finance and Administration as provided in this subchapter shall be required to obtain any other license or permits to use and operate the motor vehicle; nor shall the owner be required to display upon his motor vehicle any other number than the number of the registration issued by the director, or excluded, or prohibited, or limited in the free use of the motor vehicle upon any public street, avenue, road, turnpike, driveway, parkway, or any other public place, at any time when it is open to the use of persons having or using other vehicles; nor shall the owner be required to comply with other provisions or conditions as to the use of motor vehicles, except as provided in this chapter.

(b) Motor vehicles may be excluded from any cemetery or grounds used for the burial of the dead by the authorities having jurisdiction over the cemetery or grounds.

(c) Nothing contained in this section shall be construed to affect the power of municipal corporations to make and enforce ordinances, rules, and regulations affecting motor vehicles which are used within their limits for public hire.



**History.** Acts 1911, No. 134, § 13; C. & M. Dig., § 7429; Pope's Dig., § 6641; A.S.A. 1947, § 75-237.

**Cross References.** Municipality may assess a tax, § 14-57-702.

## CASE NOTES

### ANALYSIS

Bonding of Operators.

Municipal Licenses.

### Bonding of Operators.

Cities may regulate jitneys by requiring drivers thereof to give a bond to indemnify persons injured by the operation of such vehicles. *Willis v. City of Ft. Smith*, 121 Ark. 606, 182 S.W. 275 (1916).

### Municipal Licenses.

A city cannot license automobiles doing business between the city and a point outside the city. *McDonald v. Paragould City*, 120 Ark. 226, 179 S.W. 335 (1915); *City of Argenta v. Keath*, 130 Ark. 334, 197 S.W. 686 (1917).

## 27-14-703. Vehicles subject to registration — Exceptions.

Every motor vehicle, trailer, semitrailer, and pole trailer when driven or moved upon a highway and every mobile home shall be subject to the provisions of this chapter except:

(1) Any vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lienholders, or nonresidents or under a temporary registration permit issued by the Office of Motor Vehicle as authorized in § 27-14-708;

(2) Any vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one (1) property to another;

(3)(A) Any implement of husbandry that is only incidentally operated or moved upon a highway whether or not it is subject to registration under this chapter.

(B) Incidental use may be established by an affidavit of the owner of the implement of husbandry submitted to the Department of Finance and Administration along with payment of the gross receipts or use tax imposed on the implement of husbandry when the owner applies for and receives a certificate of title to the implement of husbandry.

(C) The transportation of logs or timber upon a highway from the point of severance to a point in this state at which the logs or timber first undergo any processing, preparation for processing, conversion, or transformation from their natural or severed state shall not be incidental operation of the implement of husbandry upon a highway.

(D) An affidavit to establish incidental use is not required if the implement of husbandry was originally manufactured as an implement of husbandry;

(4) Any special mobile equipment as defined in § 27-14-211;

(5) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires, though not operated upon rails;

(6) Manufactured homes or mobile homes for which the certificate of title has been cancelled under § 27-14-1603; and

(7) No certificates of title need be obtained for any vehicle of a type subject to registration owned by the federal government.

**History.** Acts 1949, No. 142, § 32; 1973, No. 596, § 2; A.S.A. 1947, § 75-132; Acts 2005, No. 1991, § 2.

**Amendments.** The 2005 amendment

inserted (3)(B)-(D) and (6), and redesignated former (6) as present (7); and made stylistic changes in present (3)(A).

## RESEARCH REFERENCES

**Ark. L. Notes.** Laurence, Some Practical Advice on How to Perfect a Security

Interest in an All-Terrain Vehicle, 1996 Ark. L. Notes 59.

## CASE NOTES

### ANALYSIS

In General.

Purpose.

Mowers.

Security Interest.

### In General.

A motor vehicle is not required to be registered unless it is actually driven or moved upon a highway. *United States v. Westmoreland Manganese Corp.*, 134 F. Supp. 898 (E.D. Ark. 1955), *aff'd*, 246 F.2d 351 (8th Cir. 1957), *rev'd*, 246 F.2d 357 (8th Cir. 1957).

Although an Arkansas resident has a duty under Arkansas law to seek the issuance of certificates of title in the appropriate forum, the creditor has no obligation to make a filing in another state to perfect or reperfect its security interest, and the creditor's interest continues to be perfected despite a resident's failure to comply with Arkansas registration laws. *Meeks v. Mercedes-Benz Credit Corp.* (In re Stinnett), 241 B.R. 599 (Bankr. W.D. Ark. 1999).

Summary judgment was improperly granted in favor of a city and its employee in a negligence action based on governmental immunity where there was a genuine issue of material fact as to whether the operation of the loader on public roads was frequent and regular or merely incidental, and thus, whether the front-end loader was exempted from the statutory definition of "motor vehicle." *Spears v. City of Fordyce*, 351 Ark. 305, 92 S.W.3d 38 (2002).

In insurer's declaratory judgment action, the trial court erred in granting summary judgment to insurer where the

policy language, when coupled with the relevant statutory provisions, did not clearly exclude liability coverage for a semitrailer used solely as a residence; the Missouri Administrator of the State Office of Motor Vehicles unequivocally stated that the camper trailer in question was not subject to registration based upon its use as a residence. *Smith v. Farm Bureau Mut. Ins. Co. of Ark.*, 88 Ark. App. 22, 194 S.W.3d 212 (2004).

Circuit court erred in granting summary judgment to insurance company where policy exclusion for injuries arising out of the use of a trailer was ambiguous; where the semi-trailer was used as a residence and not subject to motor vehicle registration, it was not clear whether the exclusion applied. *Smith v. Farm Bureau Mut. Ins. Co. of Ark.*, 88 Ark. App. 22, 194 S.W.3d 212 (2004).

### Purpose.

The ultimate purposes for the Arkansas vehicle registration laws are identification of vehicles and revenue collection. The obligation is upon the Arkansas owner and resident and the penalties for violating these provisions are criminal in nature. *Meeks v. Mercedes-Benz Credit Corp.* (In re Stinnett), 241 B.R. 599 (Bankr. W.D. Ark. 1999).

### Mowers.

Mowers and other vehicles not designed for transportation are special mobile equipment and exempt from registration. *Cousins v. Dennis*, 298 Ark. 310, 767 S.W.2d 296 (1989).

### Security Interest.

The fact that the debtor may have avoided higher fees or taxes imposed by

the State of Arkansas by registering and titling his vehicles in Oklahoma was of no consequence to the perfection question. Any outcome that would punish the creditor or provide a windfall to the general unsecured creditors or others who have proper notice of the security interest would be inappropriate. *Meeks v. Mer-*

*cedes-Benz Credit Corp.* (In re Stinnett), 241 B.R. 599 (Bankr. W.D. Ark. 1999).

**Cited:** *House v. Hodges*, 227 Ark. 458, 299 S.W.2d 201 (1957); *Rex Fin. Corp. v. Marshall*, 406 F. Supp. 567 (W.D. Ark. 1976); *S. Farm Bureau Cas. Ins. Co. v. Spears*, 360 Ark. 200, 200 S.W.3d 436 (2004).

#### **27-14-704. Motor vehicles registered in foreign states.**

(a) Any motor vehicle or motorcycle belonging to any person who is a nonresident of this state who has registered the motor vehicle or motorcycle in and who has complied with all the laws of the state, territory, District of Columbia, or any province or territory of Canada in which the owner resides with respect to the registration of motor vehicles and the display of registration numbers and who shall conspicuously display the registration number as required may be operated in this state as follows:

(1) If the motor vehicle is operated for the sole purpose of marketing farm products raised exclusively by the owner or other growers of the products associated with the owner in the raising of the farm products;

(2) A privately owned and duly registered motor vehicle not operated for hire but for the purpose of going to and from the owner's place of regular employment and the making of trips for the purchasing of goods, wares, and merchandise if the owner lives outside of this state;

(3)(A) Any motor vehicle operated by a nonresident only making an occasional trip into this state shall have the right to make an occasional trip without the payment of any motor vehicle license fee to this state, if the motor vehicle is not operated for hire.

(B) The Director of the Department of Finance and Administration may issue temporary permits without payment of license fees for motor vehicles operated for hire by a nonresident into and across the highways of this state when the vehicles are operated upon charters for casual, irregular, occasional, and nonscheduled sightseeing trips; and

(4) The director is authorized and empowered to enter into any agreement or issue any permit for the operation of any motor vehicles upon the highways of this state without payment of license fees when the vehicles are operated under and by the supervision of the proper authorities of the United States Army, Air Force, Navy, or Marine Corps during any period of emergency.

(b) The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, territory, District of Columbia, or any province or territory of Canada, or other place of residence of the nonresident owner, like exemptions are granted to vehicles registered under the laws of, and owned by, residents of this state.



**History.** Acts 1931, No. 246, §§ 1, 2; §§ 75-238, 75-239; Acts 1993, No. 445, Pope's Dig., §§ 6633, 6634; Acts 1941, No. § 41; 2003, No. 832, § 1. 392, § 1; 1943, No. 143, § 1; A.S.A. 1947,

### CASE NOTES

#### **Traffic Stop.**

Where deputy sheriff stopped defendant's truck under the mistaken belief that Arkansas law required the display of an expiration sticker, he had probable cause to make a traffic stop; regardless of whether the defendant is actually guilty of

the violation that was the basis for the stop, all that is required is that the officer had probable cause to believe that a traffic violation had occurred. *Travis v. State*, 331 Ark. 7, 959 S.W.2d 32 (1998).

**Cited:** *Travis v. State*, 58 Ark. App. 320, 954 S.W.2d 277 (1997).

### **27-14-705. Application for registration and certificate of title.**

(a)(1) Every owner of a vehicle subject to the registration under this chapter shall make application to the Office of Motor Vehicle for the registration thereof and issuance of a certificate of title for such vehicle upon the appropriate forms furnished by the office.

(2) Every application shall bear the signature of the owner, written with pen and ink, unless the person is unable to write, in which case he affixes his mark, "X", which must be witnessed by a person other than the office employee, and the signature shall be acknowledged by the owner before a person authorized to administer oaths.

(b) The application shall contain:

(1) The name, bona fide residence, and mailing address of the owner or business address of the owner if a firm, association, or corporation;

(2)(A) A description of the vehicle, including, insofar as the data specified in this subsection may exist with respect to a given vehicle, the make, model, type of body, the number of cylinders, the serial number of the vehicle, the engine or other number of the vehicle designated to identify vehicles for registration purposes, and whether new or used, and if a new vehicle, a certificate of origin.

(B)(i) The certificate of origin shall be furnished the dealer by the manufacturer and shall accompany the application for license and title.

(ii) No license for the operation of the vehicle shall be granted and no certificate of title shall be issued unless the certificate of origin is made a part of the application.

(C) The certificate of origin shall be on a form to be prescribed by the Commissioner of Motor Vehicles.

(D) In the event a vehicle is designed, constructed, converted, or rebuilt for the transportation of property, the application shall include a statement of its capacity in terms of maximum gross vehicle weight rating as authorized by the manufacturer of the chassis or the complete vehicle;

(3) A statement of the applicant's title and of all liens or encumbrances upon the vehicle and the names and addresses of all persons having any interest therein and the nature of every such interest and

the name and address of the person to whom the certificate of title shall be delivered by the office;

(4)(A) Further information as may reasonably be required by the office to enable it to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

(B) When such application refers to a new vehicle purchased from a dealer, the application shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer and a fee of fifty cents (50¢) in addition to the title.

(C) For the purposes of this section:

(i) The words "new vehicle" shall be defined as any motor vehicle transferred for the first time from a manufacturer or importer, or dealer or agent of a manufacturer or importer, and which motor vehicle had theretofore not been used, and is what is commonly known as a "new motor vehicle"; and

(ii) The words "used vehicle" shall be any motor vehicle which has been sold, bargained, exchanged, given away, or the title transferred from the person who first took ownership from the manufacturer or importer, dealer, or agent of the manufacturer or importer, or so used as to have become what is commonly known as a "secondhand motor vehicle".

(c) In addition to the application referred to in subsections (a) and (b) of this section, a title application fee in the amount of four dollars (\$4.00) per motor vehicle is imposed on each title issued, which shall be paid to the office at the time that application for registration thereof is made.

(d)(1) All fees, fines, penalties, and other amounts collected pursuant to subsection (c) of this section shall be remitted to the Treasurer of State separate and apart from other taxes and fees.

(2) Three percent (3%) of the gross amount thereof shall be deducted by the Treasurer of State as provided by law, and the net amount thereof shall be distributed as provided by the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

**History.** Acts 1949, No. 142, § 33; 1981, No. 40, § 1; A.S.A. 1947, § 75-133; 1955, No. 110, § 1; 1979, No. 439, § 1; Acts 1987, No. 945, § 6.

## CASE NOTES

### ANALYSIS

Innocent Purchaser.  
Priority of Claims.

#### **Innocent Purchaser.**

Innocent purchaser of automobile relying on possession of motor vehicle and certificate of title will ordinarily be protected against the claims of the original seller. *Aclin v. Manhattan Credit Corp.*, 225 Ark. 1028, 287 S.W.2d 451 (1956).

### **Priority of Claims.**

Where finance company loaned money on automobile and obtained chattel mortgage on car relying on certificate of title and registration certificate in borrower's name, mortgage of finance company prevailed over claim of automobile dealer who had sold car based on fact that check with which purchaser had purchased vehicle was not good. *Aclin v. Manhattan Credit Corp.*, 225 Ark. 1028, 287 S.W.2d 451 (1956).

**Cited:** Meeks v. Mercedes-Benz Credit Corp. (In re Stinnett), 241 B.R. 599 (Bankr. W.D. Ark. 1999).

### **27-14-706. [Repealed.]**

**Publisher's Notes.** This section, concerning listing with assessor and payment of taxes as prerequisite to registration, was repealed by Acts 1997, No. 974, § 1, effective January 1, 1998. The section was

derived from the following sources: Acts 1951, No. 130, §§ 1, 2; 1953, No. 144, §§ 1, 2; 1953, No. 212, § 2; 1983, No. 753, § 1; A.S.A. 1947, §§ 75-133.1, 75-133.4, 75-133.33, 75-179.1.

### **27-14-707. Application for specially constructed, reconstructed, or foreign vehicles.**

(a)(1) In the event the vehicle to be registered is a specially constructed, reconstructed, or foreign vehicle, that fact shall be stated in the application.

(2) With reference to every foreign vehicle which has been registered previously outside of this state, the owner shall surrender to the Office of Motor Vehicle all registration plates, registration cards, and certificates of title, or other evidence of such foreign registration as may be in his or her possession or under his or her control, except as provided in subsection (b) of this section.

(b) Where in the course of interstate operation of a vehicle registered in another state it is desirable to retain registration of the vehicle in such other states, the applicant need not surrender, but shall submit for inspection, evidence of such foreign registration, and the office, upon a proper showing, shall register the vehicle in this state but shall not issue a certificate of title for such vehicle.

**History.** Acts 1949, No. 142, § 34; A.S.A. 1947, § 75-134.

### **27-14-708. Temporary permit pending registration.**

The Office of Motor Vehicle, at its discretion, may grant a temporary permit to operate a vehicle for which application for registration and certificate of title has been made where the application is accompanied by the proper fee, pending action upon the application by the office.

**History.** Acts 1949, No. 142, § 35; A.S.A. 1947, § 75-135.

### **27-14-709. Half-year license.**

Notwithstanding any provision of law to the contrary, any motor vehicle for which the annual registration and licensing fee is one hundred dollars (\$100) or more, for any twelve-month licensing period, may be licensed for the first six (6) months of the annual licensing period, upon payment of one-half ( $\frac{1}{2}$ ) of the annual registration and licensing fee, plus an additional fee of five dollars (\$5.00) to defray the



administrative cost of issuing the half-year license, under such regulations as the Director of the Department of Finance and Administration may promulgate.

**History.** Acts 1965 (1st Ex. Sess.), No. 38, § 1; A.S.A. 1947, § 75-282.

### **27-14-710. Grounds for refusing registration or certificate of title.**

The Office of Motor Vehicle shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

(1) That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the office or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;

(2) That the office has reasonable grounds to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having valid lien upon such vehicle;

(3) That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state;

(4) That the required fee has not been paid; or

(5) That the owner of a commercial motor vehicle has had his or her authority to operate denied or suspended by the United States Department of Transportation for safety-related violations.

**History.** Acts 1949, No. 142, § 36; A.S.A. 1947, § 75-136; Acts 2003, No. 854, § 2.

### **27-14-711. Examination of registration records and index of stolen and recovered vehicles.**

The Office of Motor Vehicle, upon receiving application for original registration of a vehicle or any certificate of title, shall first check the engine and serial number, or other identifying number, shown in the application against the indexes of registered motor vehicles and against the index of stolen and recovered motor vehicles required to be maintained by this chapter.

**History.** Acts 1949, No. 142, § 37; A.S.A. 1947, § 75-137.

### **27-14-712. Registration indexes.**

The Office of Motor Vehicle shall file each application received and, when satisfied as to the genuineness and regularity thereof and that the applicant is entitled to register such vehicle and to the issuance of

a certificate of title, shall register the vehicle therein described and keep a record thereof in suitable methods which ensure that the records will be available as follows:

- (1) Under a distinctive registration number assigned to the vehicle;
- (2) Alphabetically, under the name of the owner;
- (3) Under the vehicle identification number, if available, otherwise any other identifying number of the vehicle; and
- (4) In the discretion of the office, in any other manner it may deem desirable.

**History.** Acts 1949, No. 142, § 38; A.S.A. 1947, § 75-138; Acts 1997, No. 809, § 4.  
**Cross References.** List of owners filed with assessor, § 26-26-706.

### RESEARCH REFERENCES

**Ark. L. Rev.** Watkins, Access to Public Records Under the Arkansas Freedom of Information Act, 37 Ark. L. Rev. 741.

### CASE NOTES

**Public Record.**

The automobile title registration law makes motor vehicle titles and encumbrances a matter of public record, similar

to the recording of deeds and mortgages. *Bettis v. Manhattan Credit Co.*, 230 Ark. 686, 324 S.W.2d 352 (1959).

### 27-14-713. Issuance of registration certificates and certificates of title.

(a) The Office of Motor Vehicle, upon registering a vehicle, shall issue a registration certificate and a certificate of title. The registration certificate and the certificate of title shall be of a type which, as nearly as possible, prevents the document from being altered, counterfeited, duplicated, or simulated without ready detection.

(b)(1) The registration certificate shall be delivered to the owner and shall contain, upon the face thereof, the date issued, the name and address of the owner, the registration number assigned to the vehicle, and such description of the vehicle as determined by the Commissioner of Motor Vehicles.

(2) Upon the reverse side it shall contain a form for endorsement of notice to the office upon transfer of the vehicle.

(c)(1)(A) The certificate of title shall contain, upon the face thereof, the identical information required upon the face of the registration certificate.

(B) In addition, it shall contain a statement of the owner's title and of all liens and encumbrances upon the vehicle therein described and whether possession is held by the owner under a lease, contract of conditional sale, or other like agreement.

(2) The certificate shall bear the seal of the office.

(d)(1) The certificate of title shall contain upon the front side a space for the signature of the owner, and the owner shall write his or her name with pen and ink in such space upon receipt of the certificate.

(2) The certificate shall also contain upon the reverse side forms for assignment of title or interest and warranty thereof by the owner, with space for notation of liens and encumbrances upon the vehicle at the time of a transfer.

(e)(1) The certificate of title shall be delivered to the owner in the event no lien or encumbrance appears thereon.

(2) Otherwise, the certificate of title shall be delivered either to the person holding the first lien or encumbrance upon the vehicle as shown in the certificate or to the person named to receive it in the application for such certificate.

**History.** Acts 1949, No. 142, § 39; 1981, No. 697, § 1; A.S.A. 1947, § 75-139; Acts 2007, No. 171, § 1.

**Amendments.** The 2007 amendment, in (d)(1), substituted “front side” for “reverse side,” and inserted “or her.”

## CASE NOTES

### ANALYSIS

Public Record.  
Superior Title.

#### Public Record.

The automobile title registration law makes motor vehicle titles and encumbrances a matter of public record, similar to the recording of deeds and mortgages. *Bettis v. Manhattan Credit Co.*, 230 Ark. 686, 324 S.W.2d 352 (1959).

Summary judgment in favor of the government in a forfeiture action of a car brought under 21 U.S.C.S. § 881(a)(4) and (j) was reversed because, under Arkansas law, it was clear that both claimants had U.S. Const. art. III standing to challenge the forfeiture under 18 U.S.C.S. § 983(a)(4) & (d); the grandmother had the greatest financial stake in the car and, under § 27-14-203, the mother was the owner of the car because she held legal

title as the registered owner under this section, even though there was evidence that the mother had only “bare legal title” that was sufficient to confer Article III standing to contest the forfeiture. *United States v. One Lincoln Navigator* 1998, 328 F.3d 1011 (8th Cir. 2003).

#### Superior Title.

Where purchaser of automobile executed title retaining note and certificate of title was properly issued reciting the lien and third person subsequently came into possession of automobile, took it to another state and registered it under an incorrect motor number and subsequently returned it to Arkansas, and registered in Arkansas under the incorrect motor number reciting that the vehicle was free of liens, subsequent purchaser of automobile was not a purchaser without notice and lienholder had superior title. *Bettis v. Manhattan Credit Co.*, 230 Ark. 686, 324 S.W.2d 352 (1959).

## 27-14-714. Registration certificate to be signed, carried, and exhibited on demand.

(a)(1) Every owner, upon receipt of a registration certificate, shall write his signature thereon, with pen and ink in the space provided. Every such registration certificate shall be, at all times, carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle, who shall display it upon demand of a police officer or any officer or employee of the office.



(2) No person charged with violating this section shall be convicted if he or she produces in a court a registration certificate for such vehicle which was issued prior to, and in effect at, the time of the arrest.

(b) The provisions of this section requiring that a registration certificate be carried in the vehicle to which it refers or by the person driving it shall not apply when such certificate is used for the purpose of making application for renewal of registration or upon a transfer of registration of the vehicle.

(c)(1) The provisions of this section shall not be construed to amend or repeal the requirement contained in § 27-14-601 which makes it unlawful for any truck to be operated upon the highways of Arkansas without the license registration card or certificate being at all times in the possession of the operator thereof and subject to inspection.

(2) Possession of a photocopy of the license registration card or certificate shall be deemed to comply with the requirements of this section.

**History.** Acts 1949, No. 142, § 40; 1965 (2nd Ex. Sess.), No. 4, §§ 1, 3; A.S.A. 1947, §§ 75-140, 75-140.1.

#### CASE NOTES

**Cited:** United States v. Westmoreland Ark. 1955); Brenneman v. State, 264 Ark. Manganese Corp., 134 F. Supp. 898 (E.D. 460, 573 S.W.2d 47 (1978).

#### 27-14-715. Issuance of license plates.

(a) The Office of Motor Vehicle, upon registering a vehicle, shall issue to the owner one (1) license plate for a motorcycle, trailer, or semitrailer and one (1) or two (2) license plates for every other motor vehicle.

(b) Every license plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, also the name of this state, which may be abbreviated, and the year number for which it is issued or the date of expiration thereof.

(c) The license plates and required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of one hundred feet (100') during daylight.

(d) The office shall issue for every passenger motor vehicle rented without a driver the same type of license plates as the type of plates issued for a private passenger vehicle.

**History.** Acts 1949, No. 142, § 41; plates, §§ 27-15-101 et seq. and 27-24-101 A.S.A. 1947, § 75-141. et seq.

**Cross References.** Special license

## CASE NOTES

**Cited:** United States v. Westmoreland Manganese Corp., 134 F. Supp. 898 (E.D. Ark. 1955).

**27-14-716. Display of license plates generally.**

(a)(1) License plates issued for a motor vehicle other than a motorcycle shall be attached thereto, one (1) in the front and the other in the rear.

(2)(A) When one (1) plate is issued, it shall be attached to the rear.

(B) License plates for trucks of one (1) ton capacity or larger may be displayed either on the front or rear of the vehicle.

(C) The license plate issued for a motorcycle required to be registered under this chapter shall be attached to the rear thereof.

(b) Every license plate shall, at all times, be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches (12") from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.

(c) Placing any type of cover over a license plate which makes the license plate more difficult to read or which reduces the reflective properties of the license plate is prohibited.

**History.** Acts 1949, No. 142, § 42; 1985, No. 1065, § 1; A.S.A. 1947, § 75-142; Acts 2001, No. 1378, § 1.

## CASE NOTES

**Cited:** United States v. Westmoreland Ark. 1955); Burris v. State, 330 Ark. 66, Manganese Corp., 134 F. Supp. 898 (E.D. 954 S.W.2d 209 (1997).

**27-14-717. License plates for proper year alone to be displayed — Exception.**

(a) There shall not be displayed on motor vehicles, trailers, or semitrailers any other motor vehicle license plates or other means of identification of the payment of the proper motor vehicle license fee other than that which has been issued for display and identification purposes at the proper time intended by the laws of the various states for such display and identification.

(b)(1) The display of subsequent year license plates shall be strictly limited to those vehicles for which there have been purchased license plates for the current registration period.

(2) Nothing in this subsection (b) shall be construed so as to permit the operation of a motor vehicle on the streets and highways of Arkansas without the owner's having paid all registration fees applicable for such period of operation.

(c) Any person driving a motor vehicle, trailer, or semitrailer in violation of this section shall, upon conviction, be fined in any sum not less than five dollars (\$5.00) nor more than ten dollars (\$10.00).

**History.** Acts 1945, No. 117, §§ 1, 3; 1983, No. 178, § 1; A.S.A. 1947, §§ 75-226, 75-228; Acts 1999, No. 385, § 2.

**Publisher's Notes.** Acts 1999, No. 385 became effective June 1, 2000, by its own terms.

#### CASE NOTES

**Transferred Plates.**

Transfer of plate from one car to another by car dealer, violated former simi-

lar statute. *Marchant v. State*, 286 Ark. 24, 688 S.W.2d 744 (1985) (decision under prior law).

#### 27-14-718. Application for renewal of registration.

Application for renewal of a vehicle registration shall be made by the owner, upon proper application and by payment of the registration fee for the vehicle, as provided by law.

**History.** Acts 1949, No. 142, § 44; A.S.A. 1947, § 75-144.

#### CASE NOTES

**Cited:** *United States v. Westmoreland Manganese Corp.*, 134 F. Supp. 898 (E.D. Ark. 1955).

#### 27-14-719. No renewal of title certificates.

Certificates of title need not be renewed annually but shall remain valid until cancelled by the Office of Motor Vehicle for cause or upon a transfer of any interest shown therein.

**History.** Acts 1949, No. 142, § 43; A.S.A. 1947, § 75-143.

#### CASE NOTES

**Cited:** *United States v. Westmoreland Manganese Corp.*, 134 F. Supp. 898 (E.D. Ark. 1955).

#### 27-14-720. Lost or damaged certificates and plates.

(a) In the event any registration certificate or license plate is lost, mutilated, or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which it was issued, as shown by the records of the Office of Motor Vehicle, shall immediately make application for, and may obtain, a duplicate or a substitute or a new registration under a new registration number, as determined



to be most advisable by the office, upon the applicant furnishing information satisfactory to the office.

(b)(1) In the event any certificate of title is lost, mutilated, or becomes illegible the owner or legal representative or successor in interest of the owner of the vehicle for which it was issued, as shown by the records of the office, shall immediately make application for, and may obtain a duplicate, upon the applicant furnishing information satisfactory to the office.

(2) Upon issuance of any duplicate certificate of title, the previous certificate last issued shall be void.

**History.** Acts 1949, No. 142, § 45;  
A.S.A. 1947, § 75-145.

### **27-14-721. Assignment of new identifying numbers.**

(a) The Office of Motor Vehicle is authorized to assign a distinguishing number to a motor vehicle whenever the serial number thereon is destroyed or obliterated and to issue to the owner a special plate bearing the distinguishing number, which shall be affixed to the vehicle in a position to be determined by the Commissioner of Motor Vehicles.

(b) The motor vehicle shall be registered under the distinguishing number in lieu of the former serial number.

**History.** Acts 1949, No. 142, § 46;  
A.S.A. 1947, § 75-146.

### **27-14-722. Change of engines.**

The Commissioner of Motor Vehicles is authorized to adopt and enforce such registration rules and regulations as may be deemed necessary and compatible with the public interest, with respect to the change or substitution of one engine in place of another in any motor vehicle.

**History.** Acts 1949, No. 142, § 47;  
A.S.A. 1947, § 75-147.

### **27-14-723. When residents and nonresidents to obtain state registration and license.**

(a) Within thirty (30) calendar days of becoming a resident, any person who is a resident of this state shall obtain an Arkansas motor vehicle registration and license in order to operate the motor vehicle upon the streets and highways of this state.

(b) Any nonresident who has been physically present in this state for a period of six (6) months shall obtain an Arkansas motor vehicle registration and license in order to operate the motor vehicle upon the streets and highways of this state.

**History.** Acts 1993, No. 445, § 42;  
1999, No. 912, § 2.

### 27-14-724. [Repealed.]

**Publisher's Notes.** This section, concerning foreign vehicle inspection — exception, was repealed by Acts 2005, No. 165, § 1. The section was derived from Acts 2003, No. 1329, § 1.

### 27-14-725. Limited vehicle identification number verification.

- (a) As used in this section, “designee” means a person or entity that:
- (1) The Department of Arkansas State Police determines is appropriately suited for serving as a designee; and
  - (2) Agrees to perform vehicle identification number verifications under this section on behalf of the Department of Arkansas State Police.
- (b) Except as provided under subsection (h) of this section, an application for registration or certificate of title for a motor vehicle shall be accompanied by a verification of the vehicle identification number if the owner of the motor vehicle:
- (1) Does not have a properly endorsed and assigned certificate of title or manufacturer’s certificate of origin and may only obtain title to the motor vehicle through:
    - (A) A court order; or
    - (B) The bonded title procedure of this state as set forth under § 27-14-409(c); or
  - (2) Presents a title or other ownership document from another state that bears any of the following designations:
    - (A) Salvage;
    - (B) Prior salvage;
    - (C) Damaged;
    - (D) Prior damaged;
    - (E) Junked;
    - (F) Nonrepairable; or
    - (G) Any other designation that is substantially similar to the designations stated in this subdivision (b)(2).
- (c)(1) The Department of Arkansas State Police shall perform vehicle identification number verifications under this section.
- (2) A vehicle identification number verification is only valid under this section if it is performed by one (1) of the following:
- (A) The Department of Arkansas State Police;
  - (B) The designee of the Department of Arkansas State Police; or
  - (C) A local law enforcement agency.
- (d)(1) The Department of Arkansas State Police, a local law enforcement agency, or the designee of the Department of Arkansas State Police may charge a fee for the vehicle identification number verification not to exceed twenty-five dollars (\$25.00).
- (2) A fee owed to the Department of Arkansas State Police shall be:

(A) Collected by the Revenue Division of the Department of Finance and Administration at the time of application for title; and

(B) Deposited into the State Treasury as special revenue to the credit of the Department of Arkansas State Police Fund.

(3) A fee owed to a local law enforcement agency or a designee may be collected and retained by the agency or the designee at the time of the inspection.

(e) A designee under this section shall provide notice to the Department of Arkansas State Police as to which persons are conducting vehicle identification number verifications on behalf of the designee.

(f) A local law enforcement agency or its employees are not required to perform vehicle identification number verifications under this section.

(g)(1) The Department of Arkansas State Police shall adopt a form that is to be used for all vehicle identification number verifications in the state.

(2) The Department of Arkansas State Police may adopt:

(A) Reasonable rules to ensure that the verification process is available at convenient times and locations; or

(B) Reasonable rules to ensure that the verification process does not unduly burden legitimate businesses or consumers in the state.

(h) This section shall not apply to a motor vehicle registered as a Class Two, Class Three, Class Four, Class Five, Class Six, Class Seven, or Class Eight truck under § 27-14-601(a)(3).

(i) If information is received from another state which indicates that a motor vehicle title issued by the Department of Finance and Administration under this chapter does not accurately reflect the designation of the status of a motor vehicle such as those provided under subdivision (b)(2) of this section, then the Office of Motor Vehicle may cancel the motor vehicle title and issue a title that correctly designates the status of the motor vehicle.

**History.** Acts 2005, No. 165, § 2.

## SUBCHAPTER 8 — LIENS AND ENCUMBRANCES

### SECTION.

27-14-801. Compliance required.

27-14-802. Application and documents.

27-14-803. Filing and certification.

27-14-804. Index.

### SECTION.

27-14-805. Constructive notice.

27-14-806. Optional means of recording.

27-14-807. Methods exclusive — Exception.

**Effective Dates.** Acts 1981, No. 326, § 3: Mar. 5, 1981. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present law pertaining to the filing of motor vehicle liens with the Revenue Division is of

questionable validity and inadequate, and that this Act is immediately necessary to provide an equitable and valid motor vehicle lien filing law. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the



preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

## RESEARCH REFERENCES

**Ark. L. Notes.** Laurence, Some Practical Advice on How to Perfect a Security Interest in an All-Terrain Vehicle, 1996 Ark. L. Notes 59.

**Ark. L. Rev.** Conditional Sales in Arkansas, 4 Ark. L. Rev. 19.

Motor Vehicle Liens, 7 Ark. L. Rev. 331.  
Secured Transactions: Article IX: Part 1, 16 Ark. L. Rev. 108.

Secured Transactions Under the Uniform Commercial Code, 18 Ark. L. Rev. 30.

Filing and Perfection Under the New Article Nine of the Uniform Commercial Code, 27 Ark. L. Rev. 507.

Recent Developments: Automobiles: Perfection of Liens and Constructive Notice, 32 Ark. L. Rev. 824.

Nickles, A Localized Treatise On Secured Transactions — Part II: Creating Security Interests, 34 Ark. L. Rev. 559.

Leflar, Conflict of Laws: Arkansas, 1978-82, 36 Ark. L. Rev. 191.

## CASE NOTES

### ANALYSIS

In General.  
Purpose.  
Applicability.  
Failure to Comply.

#### In General.

The types of interests and liens to which §§ 27-14-801 — 27-14-804 refer are conditional sales contracts, conditional leases, and chattel mortgages which are purely contractual and do not refer to federal tax liens. *Union Planters Nat'l Bank v. Godwin*, 140 F. Supp. 528 (E.D. Ark. 1956).

The motor vehicle certificate of title provisions create no new liens; rather, they prescribe how rights and titles may be protected by possession or filing for record. *Goff-McNair Motor Co. v. Phillips Motor Co.*, 226 Ark. 751, 294 S.W.2d 342 (1956).

#### Purpose.

It was not the intent of the General Assembly in enacting §§ 27-14-801 — 27-14-804 to repeal the Arkansas Uniform Federal Tax Lien Registration Act (former § 18-47-201 et seq.) as it related to automobiles. *Union Planters Nat'l Bank v. Godwin*, 140 F. Supp. 528 (E.D. Ark. 1956).

In 1959, a new title registration law (Acts 1959, No. 307, § 9) was enacted which, in many respects, is identical with

the provisions of Acts 1949, No. 142, but omits any requirement that liens or encumbrances be recorded in the county of the purchaser. It was the intention of the General Assembly to eliminate any requirement that such instruments be recorded by the circuit clerk. *Francis v. Thomas*, 232 Ark. 547, 338 S.W.2d 933 (1960).

The legislative purpose in enacting §§ 27-14-801 — 27-14-804 was to protect bona fide purchasers. *Benton County Motors, Inc. v. Felder*, 236 Ark. 356, 366 S.W.2d 721 (1963).

#### Applicability.

Where conditional sales contract was executed prior to effective date of §§ 27-14-801 — 27-14-804, these sections had no applicability. *Terrell v. Loomis*, 218 Ark. 296, 235 S.W.2d 961 (1951).

This subchapter has no applicability to construction equipment such as a dragline. *James Talcott, Inc. v. Associates Disct. Corp.*, 302 F.2d 443 (8th Cir. 1962).

Sections 27-14-801 — 27-14-804 apply to all vehicles that are required to be registered. *Benton County Motors, Inc. v. Felder*, 236 Ark. 356, 366 S.W.2d 721 (1963).

#### Failure to Comply.

Having failed to comply with this subchapter, a creditor was not a lien encumbrancer insofar as third parties were concerned under the motor vehicle regis-

tration requirements when another creditor took possession of the subject automobile. *Commercial Credit Corp. v. National Credit Corp.*, 251 Ark. 702, 473 S.W.2d 881 (1971); *Union Nat'l Bank v. Hooper*, 295 Ark. 83, 746 S.W.2d 550 (1988).

Where the creditor did not have a cur-

rently effective financial statement on file, the creditor did not have a perfected security interest under the Uniform Commercial Code in either the automobile or the chattel paper. *Commercial Credit Corp. v. National Credit Corp.*, 251 Ark. 702, 473 S.W.2d 881 (1971).

## 27-14-801. Compliance required.

No conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance or title retention instrument upon a vehicle, of a type subject to registration under the laws of this state other than a lien dependent upon possession, is valid as against the creditors of an owner acquiring a lien by levy or attachment or subsequent purchasers or encumbrances, with or without notice, until the requirements of this subchapter have been complied with.

**History.** Acts 1949, No. 142, § 60; 1951, No. 208, § 1; 1959, No. 307, § 9; 1973, No. 596, § 3; A.S.A. 1947, § 75-160.

**Publisher's Notes.** Acts 1973, No. 596, § 4, provided that the purpose of the act was to subject mobile homes to the provi-

sions of Acts 1949, No. 142, as amended, in order to remove doubt and uncertainty as to the application of the act to that class of vehicle.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

### ANALYSIS

Purpose.  
Applicability.  
Bill of Sale.  
Construction with Other Laws.  
Foreign Registrations.  
Judgment Creditors.  
Liens Dependent upon Possession.  
Priority of Rights.

### Purpose.

Failure to comply with this section does not affect the validity of a lien as between the parties to the transaction; rather, the legislative purpose of the statute is for the benefit of bona fide purchasers. *Anderson v. First Jacksonville Bank*, 243 Ark. 977, 423 S.W.2d 273 (1968).

### Applicability.

This section does not apply to vehicles which are neither registered nor required to be registered. *United States v. Westmoreland Manganese Corp.*, 134 F. Supp. 898 (E.D. Ark. 1955), *aff'd*, 246 F.2d 351 (8th

Cir. 1957), *rev'd*, 246 F.2d 357 (8th Cir. 1957).

Arkansas statutes relating to perfection of a security interest in vehicles did not require a creditor to have maintained a copy of the title, nor did statutes provide that the security interest became unperfected if the title could not be located; accordingly, the fact that the creditor could not locate the certificates of title did not affect its security interests. *In re Hill*, 313 B.R. 290 (Bankr. E.D. Ark. 2004).

### Bill of Sale.

Bill of sale by truck owner in payment of attorney's fees was an absolute conveyance of his interest, and not a conditional sale or mortgage. *House v. Hodges*, 227 Ark. 458, 299 S.W.2d 201 (1957).

### Construction with Other Laws.

Although several provisions of Arkansas law may appear to conflict, a harmonious reading of the provisions of the Arkansas vehicle titling statutes and the Uniform Commercial Code clearly demonstrates that it is the intention of the



statutes to allow the security interest in a vehicle perfected in a state other than Arkansas, by required notation on a certificate of title issued by that state, to remain perfected in Arkansas for a period of four (4) months, and so long thereafter as no certificate of title is issued by Arkansas. *Meeks v. Mercedes-Benz Credit Corp.* (In re Stinnett), 241 B.R. 599 (Bankr. W.D. Ark. 1999).

### **Foreign Registrations.**

The fact that the debtor may have avoided higher fees or taxes imposed by the State of Arkansas by registering and titling his vehicles in Oklahoma was of no consequence to the perfection question. Any outcome that would punish the creditor or provide a windfall to the general unsecured creditors or others who have proper notice of the security interest would be inappropriate. *Meeks v. Mercedes-Benz Credit Corp.* (In re Stinnett), 241 B.R. 599 (Bankr. W.D. Ark. 1999).

### **Judgment Creditors.**

As this section does not apply to vehicles which are merely subject to registration but only to vehicles which are actually registered under this subchapter, in order for a judgment creditor to obtain the benefit thereof, as against a mortgagee, it must appear that the vehicle in question was in fact registered at the time the judgment creditor obtained a levy of execution thereon. *United States v. Westmoreland Manganese Corp.*, 134 F. Supp. 898 (E.D. Ark. 1955), *aff'd*, 246 F.2d 351 (8th Cir. 1957), *rev'd*, 246 F.2d 357 (8th Cir. 1957).

## **27-14-802. Application and documents.**

(a) There shall be deposited with the Office of Motor Vehicle a copy of the instrument creating and evidencing a lien or encumbrance, which instrument is to be executed in the manner required by the laws of this state and accompanied by the certificate of title last issued for the vehicle.

(b) If a vehicle is subject to a security interest when brought into this state, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest attached, subject to the following:

(1) If the parties understood at the time the security interest attached that the vehicle would be kept in this state and it was brought into this state within thirty (30) days thereafter for purposes other than

### **Liens Dependent upon Possession.**

The possession intended by this section regarding a lien dependent upon possession is such open, notorious possession as will give notice to all the world of the claim. In re Ford, 186 F. Supp. 252 (E.D. Ark. 1960).

Where bank, which had loaned money to bankrupt, failed to record chattel mortgage on truck given as security, but held certificate of title on truck, its lien of encumbrance was of no effect against subsequent creditors, since mere possession of certificate of title cannot be said to be a lien dependent on possession within the meaning of this section. In re Ford, 186 F. Supp. 252 (E.D. Ark. 1960).

### **Priority of Rights.**

The lien rights of a holder of retained title for sale of an automobile are superior to mechanic's lien on the vehicle notwithstanding the vendee who ordered the work may have obtained possession of the car from the mechanic without his knowledge or consent. *Goff-McNair Motor Co. v. Phillips Motor Co.*, 226 Ark. 751, 294 S.W.2d 342 (1956).

**Cited:** *Commercial Credit Corp. v. Associates Disct. Corp.*, 246 Ark. 118, 436 S.W.2d 809 (1969); *Henson v. Government Employees Fin. & Indus. Loan Corp.*, 257 Ark. 273, 516 S.W.2d 1 (1974); *Rex Fin. Corp. v. Marshall*, 406 F. Supp. 567 (W.D. Ark. 1976); *Hill v. Bank of N.E. Ark.*, 264 Ark. 412, 572 S.W.2d 150 (1978); In re Frontier Mobile Home Sales, Inc., 635 F.2d 726 (8th Cir. 1980); *Brown v. Arkoma Coal Corp.*, 276 Ark. 322, 634 S.W.2d 390 (1982).



transportation through this state, the validity of the security interest in this state is determined by the law of this state;

(2) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest attached, the following rules apply:

(A) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, the lienholder's security interest continues perfected in this state;

(B) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this state for four (4) months after a first certificate of title of the vehicle is issued in this state and also thereafter if, within the four-month period, it is perfected in this state. The security interest may also be perfected in this state after the expiration of the four-month period; in that case, perfection dates from the time of perfection in this state;

(3) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state;

(4) A security interest may be perfected under subdivision (b)(2)(B) or subdivision (b)(3) of this section either as provided in subsection (a) of this section.

(c) If the vehicle is of a type subject to registration under this chapter, but has not been registered and no certificate of title has been issued therefor, then the certified copy of the instrument creating the lien or encumbrance shall be accompanied by an application by the owner in usual form for an original registration and issuance of an original certificate of title. In every such event, the application shall be accompanied by any fees as provided in this chapter.

**History.** Acts 1949, No. 142, § 60; A.S.A. 1947, § 75-160; Acts 1989, No. 251, 1951, No. 208, § 1; 1959, No. 307, § 9; § 4.

## CASE NOTES

### ANALYSIS

Priority of Liens.  
Security Interests.

#### Priority of Liens.

Where the chancery court ordered the sale of a truck to satisfy a repairman's lien, but the truck had been subject to a finance company's perfected security interest when brought into the state, the interest acquired by the buyer at the judicial sale was subject to the finance company's vendor's lien, and a replevin action brought by the finance company was not a collateral attack on the chancery court

order, since the finance company was never made a party to that suit. *Mack Fin. Corp. v. Chrestman*, 270 Ark. 396, 605 S.W.2d 749 (1980).

#### Security Interests.

Nowhere is there a requirement that vehicles must have been physically present when the certificates of title perfecting the security interest were issued, only that the vehicles must have been in that jurisdiction when the security interest attached. *Strick Corp. v. Eldo-Craft Boat Co.*, 479 F. Supp. 720 (W.D. Ark. 1979).

If a vehicle is subject to a security

interest when brought into this state, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest attached, provided that, if the security interest was perfected under the law of the state where the vehicle was when the security interest attached, and if the name of the lienholder is shown on an existing certificate of title issued by that state, the security interest continues to be perfected in this state, without further steps on the part of the secured party. *Strick Corp. v. Eldo-Craft Boat Co.*, 479 F. Supp. 720 (W.D. Ark. 1979).

Arkansas statutes relating to perfection of a security interest in vehicles did not require a creditor to have maintained a copy of the title, nor did statutes provide that the security interest became unper-

fectured if the title could not be located; accordingly, the fact that the creditor could not locate the certificates of title did not affect its security interests. *In re Hill*, 313 B.R. 290 (Bankr. E.D. Ark. 2004).

**Cited:** *Commercial Credit Corp. v. Associates Disct. Corp.*, 246 Ark. 118, 436 S.W.2d 809 (1969); *Henson v. Government Employees Fin. & Indus. Loan Corp.*, 257 Ark. 273, 516 S.W.2d 1 (1974); *Rex Fin. Corp. v. Marshall*, 406 F. Supp. 567 (W.D. Ark. 1976); *Hill v. Bank of N.E. Ark.*, 264 Ark. 412, 572 S.W.2d 150 (1978); *In re Frontier Mobile Home Sales, Inc.*, 635 F.2d 726 (8th Cir. 1980); *Brown v. Arkoma Coal Corp.*, 276 Ark. 322, 634 S.W.2d 390 (1982); *Meeks v. Mercedes-Benz Credit Corp.* (In re Stinnett), 241 B.R. 599 (Bankr. W.D. Ark. 1999).

## 27-14-803. Filing and certification.

Upon receipt of application and documents as provided in this subchapter, the Office of Motor Vehicle shall file them, endorsing thereon the date and hour received at the central office of the Office of Motor Vehicle. When satisfied as to the genuineness and regularity of the application, the office shall issue a new certificate of title in usual form giving the name of the owner and a statement of all liens or encumbrances certified to the office as provided in this section as existing against the vehicle.

**History.** Acts 1949, No. 142, § 60; 1951, No. 208, § 1; 1959, No. 307, § 9; A.S.A. 1947, § 75-160.

## CASE NOTES

### ANALYSIS

Failure to File.  
Improper Filing.  
Notice.  
Reliance on Certificate.  
Transactions Outside State.  
Unrecorded Security Interest.

### Failure to File.

Holder of conditional sales contract who failed to record copy of contract as required by this section was not entitled to priority on sale of car by judgment creditor. *West v. General Contract Purchase Corp.*, 221 Ark. 33, 252 S.W.2d 405 (1952).

The provisions of this section are exclusive and mandatory; therefore, holder of

conditional sales contract who failed to file copy of contract as required by this section was not entitled to priority on sale of car by judgment creditor. *West v. General Contract Purchase Corp.*, 221 Ark. 33, 252 S.W.2d 405 (1952); *Dick Conway Motors, Inc. v. Caldwell-Douglass Co.*, 233 Ark. 494, 345 S.W.2d 630 (1961).

A lien of attachment has priority over a chattel mortgage given on an automobile to secure a loan before the action was filed or attachment issued or executed where no copy of the mortgage was filed as required by this section. *Francis v. Thomas*, 232 Ark. 547, 338 S.W.2d 933 (1960).

Title retention contract was not valid against subsequent liens where contract had not been filed as required by this

section. In re Glass, 286 F. Supp. 859 (W.D. Ark. 1968).

### **Improper Filing.**

A chattel mortgage upon a semitrailer which the bank filed with the clerk of the circuit court but did not file with the appropriate state agency was not valid as against a transfer of the title and possession to the owner's employer to secure loans of money made by such employer to the owner. Bank of Dardanelle v. Bibler Bros., 244 Ark. 534, 426 S.W.2d 152 (1968).

### **Notice.**

Oral advice by mortgagor to Office of Motor Vehicle that there was a chattel mortgage on his car was ineffective, since oral notice is not compliance with requirement of filing copy of instrument with state title agency. In re Watson, 99 F. Supp. 49 (W.D. Ark. 1951).

Notice is not sufficient to affix a lien on an automobile; only filing with the Office of Motor Vehicle as required in this section will create such a lien. In re Shiflet, 240 F. Supp. 183 (E.D. Ark. 1965).

### **Reliance on Certificate.**

Where a purchaser paid consideration and took delivery of a motor home several months before another state and Arkansas issued the certificates of title that failed to show the bank's lien, to allow the purchaser to retain the vehicle would defeat the general policy involved in certificate of title laws, which is that lienholders and third parties should be able to rely upon certificates of title; thus the purchaser could not be considered a bona fide purchaser because he did not purchase relying on any certificate of title. Commercial Nat'l Bank v. McWilliams, 270 Ark. 826, 606 S.W.2d 363 (1980).

### **Transactions Outside State.**

Where bank in another state recorded chattel mortgage on car pursuant to law of

the other state, the bank was entitled to recover car from innocent purchaser of car for value in Arkansas, since requirement of filing notice of lien as required by this section did not apply to transaction occurring outside Arkansas. Chetopa State Bank v. Manes, 221 Ark. 784, 255 S.W.2d 957 (1953).

Where a conditional sales contract entered into in another state was recorded neither in that state nor in this state and the conditional buyer defaulted, the assignee of the contract was not entitled to possession of the car as against an Arkansas bona fide purchaser for value without notice. Benton County Motors, Inc. v. Felder, 236 Ark. 356, 366 S.W.2d 721 (1963).

### **Unrecorded Security Interest.**

The ownership of the purchaser of an automobile would not have been affected, with or without notice, by the automobile dealer's creditor's unfiled security agreement. Commercial Credit Corp. v. National Credit Corp., 251 Ark. 702, 473 S.W.2d 881 (1971).

Where a creditor financed an automobile for a dealer who sold the automobile and sold the financing agreement to another creditor, the original creditor's interest would attach only to the proceeds of the sale. Commercial Credit Corp. v. National Credit Corp., 251 Ark. 702, 473 S.W.2d 881 (1971).

**Cited:** Commercial Credit Corp. v. Associates Disct. Corp., 246 Ark. 118, 436 S.W.2d 809 (1969); Henson v. Government Employees Fin. & Indus. Loan Corp., 257 Ark. 273, 516 S.W.2d 1 (1974); Rex Fin. Corp. v. Marshall, 406 F. Supp. 567 (W.D. Ark. 1976); Hill v. Bank of N.E. Ark., 264 Ark. 412, 572 S.W.2d 150 (1978); In re Frontier Mobile Home Sales, Inc., 635 F.2d 726 (8th Cir. 1980); Brown v. Arkoma Coal Corp., 276 Ark. 322, 634 S.W.2d 390 (1982).

## **27-14-804. Index.**

The Office of Motor Vehicle shall maintain an appropriate index of all lien, encumbrance, or title retention instruments filed as provided in this subchapter.

**History.** Acts 1949, No. 142, § 60; 1951, No. 208, § 1; 1959, No. 307, § 9; A.S.A. 1947, § 75-160.



CASE NOTES

**Cited:** Commercial Credit Corp. v. Associates Disct. Corp., 246 Ark. 118, 436 S.W.2d 809 (1969); Henson v. Government Employees Fin. & Indus. Loan Corp., 257 Ark. 273, 516 S.W.2d 1 (1974); Rex Fin. Corp. v. Marshall, 406 F. Supp. 567 (W.D.

Ark. 1976); Hill v. Bank of N.E. Ark., 264 Ark. 412, 572 S.W.2d 150 (1978); In re Frontier Mobile Home Sales, Inc., 635 F.2d 726 (8th Cir. 1980); Brown v. Arkoma Coal Corp., 276 Ark. 322, 634 S.W.2d 390 (1982).

27-14-805. Constructive notice.

(a) The filing and issuance of a new certificate of title as provided in this chapter shall constitute constructive notice of all liens and encumbrances against the vehicle described therein to creditors of the owner, subsequent purchasers, and encumbrancers, except those liens as may be authorized by law dependent upon possession.

(b)(1) In the event the documents referred to in § 27-14-802 are received and filed in the Office of Motor Vehicle within thirty (30) days after the date the documents were executed, the lien is deemed to have been perfected on the date of the execution of the documents.

(2) Otherwise, constructive notice shall date from the time of receipt and filing of the documents by the office as shown by its endorsement thereon.

**History.** Acts 1981, No. 326, § 1; A.S.A. 1947, § 75-161; Acts 1991, No. 579, § 1.

RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Survey — Debtor/Creditor Relations, 14 U. Ark. Little Rock L.J. 767.

CASE NOTES

ANALYSIS

Actual Notice.  
Bankruptcy.  
Liens Dependent upon Possession.  
Priority of Rights.  
Public Records.  
Purchaser Without Notice.

**Actual Notice.**

Where judgment debtor attempted to give notice by informing purchaser and sheriff at sale that third party held conditional sales contract, such notice was ineffective in light of former similar statute. Dick Conway Motors, Inc. v. Caldwell-Douglass Co., 233 Ark. 494, 345 S.W.2d 630 (1961) (decision under prior law).

Notice is not sufficient to affix a lien on an automobile; only filing as required in

former similar statute will create such a lien. In re Shiflet, 240 F. Supp. 183 (E.D. Ark. 1965) (decision under prior law).

**Bankruptcy.**

If conditional sale contract was not filed within ten-day period, notice dated from time of filing, and for preference purposes under Bankruptcy Act, the transfer was made as of date of filing rather than of date of execution of contract. Dinkelspiel v. Garrett, 96 F. Supp. 800 (W.D. Ark. 1951) (decision under prior law).

**Liens Dependent upon Possession.**

The possession intended by former similar statute regarding a lien dependent upon possession is such open, notorious possession as will give notice to all the world of the claim. In re Ford, 186 F. Supp.

252 (E.D. Ark. 1960) (decision under prior law).

Where bank, which had loaned money to bankrupt, failed to record chattel mortgage on truck given as security, but held certificate of title on truck, its lien of encumbrance was of no effect against subsequent creditors, since mere possession of certificate of title could not be said to be a lien dependent on possession within the meaning of former similar statute. In re Ford, 186 F. Supp. 252 (E.D. Ark. 1960) (decision under prior law).

#### **Priority of Rights.**

The lien rights of a holder of retained title for sale of an automobile are superior to mechanic's lien on the vehicle notwithstanding the vendee who ordered the work may have obtained possession of the car from the mechanic without his knowledge or consent. Goff-McNair Motor Co. v. Phillips Motor Co., 226 Ark. 751, 294 S.W.2d 342 (1956) (decision under prior law).

#### **Public Records.**

The automobile title registration law makes motor vehicle titles and encum-

brances a matter of public record, similar to the recording of deeds and mortgages. Bettis v. Manhattan Credit Co., 230 Ark. 686, 324 S.W.2d 352 (1959) (decision under prior law).

#### **Purchaser Without Notice.**

Where purchaser of automobile executed title retaining note and certificate of title was properly issued reciting the lien and third person subsequently came into possession of automobile and took it to another state and registered it under an incorrect motor number and subsequently returned it to Arkansas and registered it in Arkansas under the incorrect motor number reciting that the vehicle was free of liens, subsequent purchaser of automobile was not a purchaser without notice and lienholder had superior title. Bettis v. Manhattan Credit Co., 230 Ark. 686, 324 S.W.2d 352 (1959) (decision under prior law).

**Cited:** Brown v. Arkoma Coal Corp., 276 Ark. 322, 634 S.W.2d 390 (1982).

### **27-14-806. Optional means of recording.**

(a)(1)(A) At his or her option, a lienholder may:

- (i) Record the lien on the manufacturer's statement of origin; or
- (ii) Record the lien on an existing certificate of title; and

(B) File with the Revenue Division of the Department of Finance and Administration a certified copy of the instrument creating and evidencing the lien or encumbrance.

(2) In the case of implements of husbandry, as defined in § 27-14-212, all-terrain vehicles, as defined in § 27-21-102, mobile homes, as defined in § 27-14-207, or manufactured homes, as defined in § 27-14-207, at his or her option, a lienholder may:

(A) Record the lien on the manufacturer's statement of origin;

(B) Record the lien on an existing certificate of title; or

(C) File with the Revenue Division a certified copy of the instrument creating and evidencing the lien or encumbrance.

(3) He or she shall remit therewith a fee of one dollar (\$1.00) for each lien to be filed.

(4) The recording or filing shall constitute constructive notice of the lien against the vehicle described therein to creditors of the owner, subsequent purchasers, and encumbrancers, except those liens that are by law dependent upon possession.

(5) A photocopy of the manufacturer's statement of origin or of such an existing certificate of title or of ownership, showing the lien recorded

thereon and certified as a true and correct copy by the party recording the lien, shall be sufficient evidence of the recording.

(b)(1)(A) The lien shall be deemed perfected and the constructive notice shall be effective from the date of the execution of the instrument creating and evidencing the lien or encumbrance if it is filed as authorized in this section within thirty (30) days after the date of the execution thereof.

(B) If the instrument is filed more than thirty (30) days after the date of the execution thereof, the lien shall be deemed perfected and the constructive notice shall date from the time of the filing of the instrument.

(2) However, the filing of a lien under the provisions of this section by the lienholder and the payment of the fee therefor shall in no way relieve any person of the obligation of paying the fee required by law for filing a lien to be evidenced on a certificate of title of a motor vehicle.

**History.** Acts 1981, No. 326, § 1; A.S.A. 1947, § 75-161; Acts 1989, No. 821, § 11; 1991, No. 579, § 2; 2005, No. 2160, § 1.

**Amendments.** The 2005 amendment inserted “or her” in (a)(1)(A); added (a)(2)

and redesignated the remaining subdivisions accordingly; inserted “or she” in (a)(3); and substituted “or filing” for “and filing” in (a)(4).

## CASE NOTES

### ANALYSIS

In General.

Improper Filing.

Liens Dependent upon Possession.

### In General.

The use of the words “at his option” in former similar statute clearly indicated a legislative intent to provide alternate methods for perfection of liens and for giving constructive notice. *Hill v. Bank of N.E. Ark.*, 264 Ark. 412, 572 S.W.2d 150 (1978) (decision under prior law).

Arkansas statutes relating to perfection of a security interest in vehicles did not require a creditor to have maintained a copy of the title, nor did statutes provide that the security interest became unperfected if the title could not be located; accordingly, the fact that the creditor could not locate the certificates of title did not affect its security interests. In re *Hill*, 313 B.R. 290 (Bankr. E.D. Ark. 2004).

### Improper Filing.

Title retention contract was not valid against subsequent liens where contract had not been filed as required. In re *Glass*, 286 F. Supp. 859 (W.D. Ark. 1968) (decision under prior law).

A chattel mortgage upon a semi-trailer which the bank filed with the clerk of the circuit court but did not file with the appropriate state agency was not valid as against a transfer of the title and possession to the owner's employer to secure loans of money made by such employer to the owner. *Bank of Dardanelle v. Bibler Bros.*, 244 Ark. 534, 426 S.W.2d 152 (1968) (decision under prior law).

### Liens Dependent upon Possession.

The possession intended by former similar statute regarding a lien dependent upon possession is such open, notorious possession as will give notice to all the world of the claim. In re *Ford*, 186 F. Supp. 252 (E.D. Ark. 1960) (decision under prior law).

Where bank, which had loaned money to bankrupt, failed to record chattel mortgage on truck given as security, but held certificate of title on truck, its lien of encumbrance was of no effect against subsequent creditors, since mere possession of certificate of title could not be said to be a lien dependent on possession within the meaning of former similar statute. In re *Ford*, 186 F. Supp. 252 (E.D. Ark. 1960) (decision under prior law).



**Cited:** *Brown v. Arkoma Coal Corp.*,  
276 Ark. 322, 634 S.W.2d 390 (1982).

### 27-14-807. Methods exclusive — Exception.

(a) The methods provided in this subchapter of giving constructive notice of a lien or encumbrance upon a registered vehicle shall be exclusive except as to liens dependent upon possession and manufactured homes or mobile homes for which the certificate of title has been cancelled under § 27-14-1603.

(b) A security interest, lien, or encumbrance on a manufactured home or mobile home for which the certificate of title has been cancelled under § 27-14-1603 shall be obtained in the same manner used to perfect a security interest, lien, or encumbrance against other real property.

(c) Any lien, or encumbrance, or title retention instrument filed as provided in this subchapter, and any documents evidencing them, are exempted from the provisions of law which otherwise require or relate to the recording or filing of instruments creating or evidencing title retention or other liens or encumbrances upon vehicles of the types subject to registration under this chapter.

**History.** Acts 1981, No. 326, § 1; A.S.A. 1947, § 75-161; Acts 2005, No. 1991, § 5.

**Amendments.** The 2005 amendment inserted present (b); redesignated former

(b) as present (c); and added “and manufactured homes or mobile homes for which the certificate of title has been cancelled under § 27-14-1603” in (a).

## CASE NOTES

### ANALYSIS

In General.

Liens Dependent upon Possession.

#### In General.

The pluralization of the word “method” in former similar statute clearly indicated a legislative intent to provide alternate methods for perfection of liens and for giving constructive notice. *Hill v. Bank of N.E. Ark.*, 264 Ark. 412, 572 S.W.2d 150 (1978) (decision under prior law).

#### Liens Dependent upon Possession.

The possession intended by former similar statute regarding a lien dependent upon possession is such open, notorious

possession as will give notice to all the world of the claim. *In re Ford*, 186 F. Supp. 252 (E.D. Ark. 1960) (decision under prior law).

Where bank, which had loaned money to bankrupt, failed to record chattel mortgage on truck given as security, but held certificate of title on truck, its lien of encumbrance was of no effect against subsequent creditors, since mere possession of certificate of title could not be said to be a lien dependent on possession within the meaning of former similar statute. *In re Ford*, 186 F. Supp. 252 (E.D. Ark. 1960) (decision under prior law).

**Cited:** *Brown v. Arkoma Coal Corp.*,  
276 Ark. 322, 634 S.W.2d 390 (1982).

## SUBCHAPTER 9 — TRANSFERS OF TITLE AND REGISTRATION

### SECTION.

27-14-901. Penalty.

27-14-902. Transfer or assignment by owner or lessee generally.

### SECTION.

27-14-903. Registration by transferee — Title retention notes.

27-14-904. Transfers to dealers.

## SECTION.

27-14-905. [Repealed.]

27-14-906. Dealer and lienholder applications for registration and title certificates.

27-14-907. Transfer by operation of law.

27-14-908. Assignment by lienholder.

27-14-909. Release of lien by lienholder — Disclosure of information.

27-14-910. Reregistration — File.

27-14-911. Transferor not liable for negligent operation.

## SECTION.

27-14-912. Dismantling or wrecking vehicles.

27-14-913. Sale of motor vehicles to be dismantled, etc.

27-14-914. Transfer of license plates and registration from one vehicle to another.

27-14-915. Transfer of license on vehicles for hire.

27-14-916. Notice of sale or transfer.

**Effective Dates.** Acts 1947, No. 416, § 4: approved Mar. 28, 1947. Emergency clause provided: "It is found and declared that at the present time operators of vehicles for hire are subjected to discrimination in the fees charged for the replacement of such vehicles; that the Commissioner of Revenues is besieged daily by the operators of vehicles for hire to take remedial action to prevent such discriminatory practices; that owing to the present status of the law a great number of new vehicles are kept off the highways of the State of Arkansas, thus depriving the State and other participants of the revenues incident to the operation of such vehicles; that only the provisions of this act will make it possible to eliminate these discriminatory practices existing under the present law and enable large numbers of new vehicles to be put into operation; that for these reasons it is necessary for the preservation of the public peace, health and safety that this act become effective without delay. It is, therefore, declared that an emergency exists, and that this Act shall take effect and be in force from and after its passage."

Acts 1955, No. 110, § 4: effective on passage. Approved Feb. 25, 1955.

Acts 1967, No. 134, § 4: Feb. 23, 1967. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws of this State do not permit a person selling a motor vehicle, or who purchases a new vehicle to replace a vehicle destroyed, to remove from the old vehicle the license plates thereon for use on the new vehicle, and this procedure works an undue hardship on the owners of motor vehicles who have

paid the applicable tax for a particular license plate and wishes to retain such tag, and that the immediate passage of this Act is necessary to correct this inequity. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1967, No. 465, § 26: emergency clause failed to pass.

Acts 1981, No. 886, § 4: Mar. 28, 1981. Emergency clause provided: "It is hereby found and determined by the General Assembly that in many instances certificates of title do not exist for old junked vehicles and that salvage dealers are impeded in their ability to scrap such vehicles due to the inability to obtain a certificate of title, and that this Act is immediately necessary to allow the use of a bill of sale in place of a certificate of title in order to dispose of dangerous and unsightly junked vehicles. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 293, § 5: Mar. 1, 1991. Emergency clause provided: "It is hereby found and determined by the General Assembly that the Revenue Commissioner should be authorized to permit lenders to make application on behalf of their borrowers for certificates of title for motor vehicles financed by the lenders; that this Act grants such authority to the Revenue Commissioner; and that this Act should go into effect as soon as possible in order to



grant the Revenue Commissioner the authority to relieve and undue burden which now exists upon motor vehicle lienholder. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 268, § 11: Feb. 13, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly that current law imposes a 10% penalty on late payment of sales or use tax on motor vehicles and trailers; that current law disallows the isolated sales exemption to a purchase of a motor vehicle or trailer; that each of these provisions are in need of clarification to ensure the original legislative intent is fulfilled; and that Sections 6 and 7 of this act should be effective immediately to prevent possible confusion among the taxpayers of this state. Therefore, an emergency is hereby declared to exist and Sections 6 and 7 of this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect immediately upon its passage and approval."

Acts 1999, No. 1305, § 5: Apr. 9, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that the failure of lienholders to release liens and encumbrances on motor vehicles in a timely manner after satisfaction of such liens or encumbrances is injurious to the motor vehicle dealers of this state and interrupts the flow of commerce in this state; that there is currently no statutory provision to require lienholders to release liens or encumbrances on motor vehicles in a timely manner upon satisfaction of such lien or encumbrance by payment in full;

and that until lienholders are required to release liens or encumbrances on motor vehicles in a timely manner, the motor vehicle dealers of this state will continue to be injured. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1999, No. 1307, § 3: Jan. 1, 2000.

Acts 2005, No. 1175, § 2: Mar. 22, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that Act 165 of 2005 eliminating the verification of vehicle identification numbers has inadvertently created the possibility that out-of-state vehicles may be titled and registered in the State of Arkansas without being present in the state or without the security interest against the motor vehicle being recorded in Arkansas; and that this act is immediately necessary to prevent citizens of the State of Arkansas from being defrauded by out-of-state sellers of motor vehicles. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## RESEARCH REFERENCES

**Ark. L. Rev.** Insurance — Liability of Automobile Insurer Under "Sale and Unconditional Ownership" Clause to Bona Fide Purchaser of Stolen Vehicle, 4 Ark. L. Rev. 492.

Conflict of Laws — Effect on Title of New Transaction After Unpermitted Removal of Chattel to Another State, 6 Ark. L. Rev. 223.



**27-14-901. Penalty.**

(a) It shall be a Class C misdemeanor for any person to fail or neglect to enter the transferee's name on a properly endorsed certificate of title, or fail or neglect to properly endorse and deliver a certificate of title to a transferee or owner lawfully entitled thereto.

(b) Any person found to be in possession of a vehicle with an improperly assigned title which fails to identify the transferee must immediately establish ownership of the vehicle, register the vehicle, and pay the requisite fees, taxes, and penalties.

**History.** Acts 1949, No. 142, § 56; A.S.A. 1947, § 75-156; Acts 1989, No. 939, § 1.

**27-14-902. Transfer or assignment by owner or lessee generally.**

(a)(1) Whenever the owner or lessee of a registered vehicle transfers or assigns his title, or interest thereto, the registration of the vehicle shall expire.

(2) The owner or lessee shall remove the license plate or plates therefrom.

(3)(A) The owner or lessee may have such plate or plates assigned to another vehicle upon payment of the fees required by law and subject to the rules and regulations of the Office of Motor Vehicle.

(B) Whenever the owner or lessee elects to assign such plate or plates to a replacement vehicle, the owner may display the plate or plates on the replacement vehicle prior to registering such vehicle within the time permitted by § 27-14-903 provided that the owner has complied with § 27-14-701(c).

(b)(1) The owner or lessee shall pay a transfer fee of one dollar (\$1.00).

(2) If the fee for registering and licensing the vehicle to be registered is greater than the registration fee paid for the vehicle originally licensed, then the office shall, in addition, collect an amount equal to the excess payable for the vehicle to be registered.

(3) No refund will be due in the event that the fee for registering and licensing the vehicle to be registered is less than that represented by the license to be transferred.

(c) The owner or lessee shall pay any additional fee which shall be required under the registration laws of this state.

(d) The owner shall endorse an assignment and warranty of title upon the certificate of title for the vehicle, and he or she shall deliver the certificate of title to the purchaser or transferee at the time of delivery of the vehicle, except as provided in §§ 27-14-906 and 27-14-909.

**History.** Acts 1949, No. 142, § 48; § 3; 1999, No. 461, § 1; 1999, No. 1106, 1955, No. 110, § 2; 1967, No. 465, § 23; § 1. A.S.A. 1947, § 75-148; Acts 1995, No. 268,

## CASE NOTES

## ANALYSIS

Purpose.  
Bill of Sale.  
Forged Endorsements.  
Noncompliance.

**Purpose.**

The purpose of a registration statute is to protect bona fide purchasers of automobiles from fraudulent sales and to help identify the owners of automobiles being operated on the highway. It is not designed to change the law with regard to passage of title upon either an absolute sale or a conditional sale of a vehicle. *Olin Mathieson Chem. Corp. v. Southwest Cas. Co.*, 149 F. Supp. 600 (W.D. Ark. 1957).

**Bill of Sale.**

Where truck owner transferred truck to attorney in payment of attorney's fees, failure of attorney to obtain the certificate of title at the time he received the bill of sale did not deprive him of title, for the

certificate of title is not title itself but only evidence of it. *House v. Hodges*, 227 Ark. 458, 299 S.W.2d 201 (1957).

**Forged Endorsements.**

Forged endorsement on certificate of title does not pass title to purchaser. *Blaylock v. Herrington*, 219 Ark. 939, 245 S.W.2d 576 (1952).

Wife was not estopped from recovering her automobile from individual who secured possession by virtue of a forged endorsement on certificate by husband two days after marriage and who fled state with automobile for which he traded. *Blaylock v. Herrington*, 219 Ark. 939, 245 S.W.2d 576 (1952).

**Noncompliance.**

Lack of compliance with registration statutes does not prevent passage of title. *Olin Mathieson Chem. Corp. v. Southwest Cas. Co.*, 149 F. Supp. 600 (W.D. Ark. 1957).

**27-14-903. Registration by transferee — Title retention notes.**

(a)(1) The transferee of any new or used vehicle required by law to be registered shall apply for, or cause to be applied for, the registration thereof within thirty (30) days after the date of the release of lien by a prior lienholder, as provided in § 27-14-909, or thirty (30) days after the date of the transfer if no lien exists.

(2) No vehicle shall be operated upon a public street or highway for more than thirty (30) days after the release of lien by a prior lienholder, as provided in § 27-14-909, or thirty (30) days after the transfer date if no lien exists, unless a valid registration plate is properly attached thereto.

(b) A transferee shall at the same time present the certificate of title, endorsed and assigned as provided in § 27-14-902, to the Office of Motor Vehicle and make application for and obtain a new certificate of title for the vehicle, except as otherwise provided in §§ 27-14-904 and 27-14-907.

(c)(1)(A) It shall be unlawful for a dealer or other person who sells or finances the purchase of a vehicle subject to registration in this state to use a title retention note to secure his or her interest in the vehicle.

(B) As used in this section, a "title retention note" shall mean any instrument that grants the purchaser the right to possession and use of the vehicle, but withholds assignment of ownership on the existing certificate of title and its delivery to the purchaser, until full payment

has been made by the purchaser, thereby thwarting the purchaser's ability to comply with subsection (b) of this section.

(2) It shall be a Class C misdemeanor for a motor vehicle dealer or other seller to fail to comply with the provisions of this subsection.

(d) This section is not intended to limit the rights of a lienholder to perfect or record his security interest in a motor vehicle pursuant to the provisions of §§ 27-14-802 and 27-14-806.

**History.** Acts 1949, No. 142, § 49; 1971, No. 158, § 1; 1983, No. 252, § 2; A.S.A. 1947, § 75-149; Acts 1991, No. 737, § 1; 1995, No. 268, § 1; 1999, No. 1307, § 1.

**Effective Dates.** Acts 1999, No. 1307, § 3: Jan. 1, 2000.

## CASE NOTES

### ANALYSIS

Construction.

Attachment.

Priority of Liens.

Purchaser in Good Faith.

### Construction.

This section, which makes retention of title a Class C misdemeanor, is directly at odds with § 18-45-202(b), which grants priority to a vendor only if the vendor keeps possession of the title; however, subsection (d) of this section provides that it is not intended to limit the rights of a lienholder to perfect or record his security interest. *Bokker v. Hill*, 327 Ark. 742, 940 S.W.2d 852 (1997).

### Attachment.

Where owner of truck transferred it to his attorney by bill of sale in payment of attorney's fees, his attorney was not required to make application for a new certificate of title under this section, since he did not have physical possession of the

truck as it was being held by the sheriff under attachment. *House v. Hodges*, 227 Ark. 458, 299 S.W.2d 201 (1957).

### Priority of Liens.

Vendor's lien on a motor vehicle held subordinate to a mechanic's lien on the same vehicle where the vendor failed to retain title to the vehicle as required by § 18-45-202(b), even though such action is prohibited by this section. *Bokker v. Hill*, 327 Ark. 742, 940 S.W.2d 852 (1997).

### Purchaser in Good Faith.

This section does not make a dealer who obtains title for a purchaser the agent of the purchaser so that the purchaser would be charged with knowledge of the dealer which would prevent the purchaser from being a purchaser in good faith. *Commercial Credit Corp. v. Associates Disct. Corp.*, 246 Ark. 118, 436 S.W.2d 809 (1969).

**Cited:** *Olin Mathieson Chem. Corp. v. Southwest Cas. Co.*, 149 F. Supp. 600 (W.D. Ark. 1957); *In re Shiflet*, 240 F. Supp. 183 (E.D. Ark. 1965).

## 27-14-904. Transfers to dealers.

(a) When the transferee of a used vehicle is a dealer who holds it for resale and lawfully operates it under dealers' number plates or does not drive the vehicle or permit it to be driven upon the highways, the dealer shall not be required to obtain a new registration for the vehicle or be required to forward the certificate of title to the Office of Motor Vehicle, but the dealer, upon transferring his or her title or interest to another person, shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver it to the person to whom the transfer is made, except as provided in § 27-14-906.



(b) No one in this state other than a dealer licensed by the Arkansas Motor Vehicle Commission as a dealer in new motor vehicles, shall enter an assignment, or reassignment, of ownership on a manufacturer's certificate of origin to a motor vehicle. Any dealer in this state not licensed by the commission as a dealer in new motor vehicles who acquires a motor vehicle through an assignment or reassignment of ownership on a manufacturer's certificate of origin shall deliver the manufacturer's certificate of origin to the office and apply for registration and issuance of a certificate of title to the motor vehicle as required by § 27-14-903. A first violation of this section by any person shall constitute a Class A misdemeanor. A second violation of this section by any person shall constitute a Class D felony. A licensed used motor vehicle dealer, who violates the provisions of this section shall also be deemed to have violated the provisions of the Used Motor Vehicle Buyers Protection Act, § 23-112-601 et seq.

**History.** Acts 1949, No. 142, § 50; A.S.A. 1947, § 75-150; Acts 1989, No. 251, § 2; 1997, No. 998, § 1.

#### CASE NOTES

**Cited:** Commercial Credit Corp. v. Associates Disct. Corp., 246 Ark. 118, 436 S.W.2d 809 (1969).

#### 27-14-905. [Repealed.]

**Publisher's Notes.** This section, concerning notice of transfer, was repealed by Acts 1989, No. 251, § 3. The section was derived from Acts 1949, No. 142, § 53; 1971, No. 469, § 2; A.S.A. 1947, § 75-153.

#### 27-14-906. Dealer and lienholder applications for registration and title certificates.

(a) The Commissioner of Motor Vehicles is authorized to permit lienholders and motor vehicle dealers to make applications for registration and certificates of title and to furnish them to the Office of Motor Vehicle on behalf of the purchaser of a new or used motor vehicle.

(b) The commissioner shall promulgate reasonable rules and regulations to be complied with by motor vehicle dealers and lienholders in making application for registration and certificates of title on behalf of purchasers of new or used motor vehicles and may, if he or she deems it necessary, require the dealer or lienholder to post bond to ensure faithful compliance with such rules and regulations.

(c)(1) Any motor vehicle dealer or lienholder who has been authorized by the commissioner to prepare applications for registration and certificates of title with respect to new or used motor vehicles shall transmit them to the commissioner and shall attach thereto a copy of any conditional sales contract, conditional lease, chattel mortgage, or

other lien or encumbrance or title retention instrument upon the motor vehicle.

(2) Upon receipt thereof, the commissioner shall file a lien and encumbrance, as provided in § 27-14-801 et seq., which shall, from the date of filing, be notice of the lien or encumbrance.

(d) On issuing the registration and certificate of title, the commissioner shall mail the registration to the owner and the title to the lienholder, or to the owner if no lien exists.

(e) If the failure of a motor vehicle dealer or other lienholder to comply with the provisions of § 27-14-802 or § 27-14-806 results in such motor vehicle dealer or lienholder holding an unperfected security interest in the motor vehicle, no action shall lie against the Department of Finance and Administration for any damages resulting from such failure to perfect a security interest.

**History.** Acts 1949, No. 142, § 53; Acts 1989, No. 251, § 1; 1991, No. 293, 1971, No. 469, § 2; A.S.A. 1947, § 75-153; § 1.

### CASE NOTES

#### **In General.**

Fact that debtor failed to take proper steps to obtain a new certificate of title for vehicle that listed creditor as lienholder did not entitle creditor to an equitable

lien; Arkansas law allowed creditor to apply for a title on behalf of debtor and, thus, creditor had the means to protect its interests but failed to do so. *In re Shelby*, 313 B.R. 292 (Bankr. E.D. Ark. 2004).

#### **27-14-907. Transfer by operation of law.**

(a)(1) Whenever the title or interest of an owner in or to a registered vehicle shall pass to another by a method other than voluntary transfer, the registration of the vehicle shall expire, and the vehicle shall not be operated upon public streets or highways for more than thirty (30) days after the transfer date unless a valid registration plate is attached thereto.

(2) In the event that title has become vested in the person holding a lien or encumbrance upon the vehicle, the person may apply to the Office of Motor Vehicle for, and obtain, special plates as may be issued under this chapter to dealers and may operate any repossessed vehicle under such special plates only for purposes of transporting it to a garage or warehouse or for purposes of demonstrating or selling it.

(b)(1) Upon any such transfer, the new owner may either secure a new registration and certificate of title, upon proper application and upon presentation of:

(A) The last certificate of title, if available;

(B) Evidence that the lien or encumbrance was previously recorded in the State of Arkansas or that the motor vehicle is physically present in the State of Arkansas; and

(C) Such instruments or documents of authority or certified copies thereof, as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case.

(2) The new owner, upon transferring his or her title or interest to another person, shall execute and acknowledge an assignment and warranty of title upon the certificate of title previously issued, if available, and deliver it, as well as the documents of authority or certified copies thereof, as may be sufficient or required by law to evidence the rights of such person, to the person to whom the transfer is made.

(c) The Commissioner of Motor Vehicles shall have the power to adopt regulations or rules to establish what documents or evidence are required to verify that a lien or encumbrance holder or his or her assignee has complied with this section.

**History.** Acts 1949, No. 142, § 51; 1983, No. 252, § 3; A.S.A. 1947, § 75-151; Acts 1995, No. 268, § 2; 1999, No. 1307, § 2; 2005, No. 1175, § 1.

**Amendments.** The 2005 amendment inserted the present subdivision designa-

tions in (b) and made related changes; inserted (b)(1)(B); inserted "or her" in present (b)(2); and added (c).

**Effective Dates.** Acts 1999, No. 1307, § 3: Jan. 1, 2000.

RESEARCH REFERENCES

**Ark. L. Rev.** Creditors' Provisional Remedies and Debtors' Due Process Rights: Statutory Liens in Arkansas, 32 Ark. L. Rev. 185.

Nickles, A Localized Treatise on Secured Transactions — Part II: Creating Security Interests, 34 Ark. L. Rev. 559.

CASE NOTES

**Effect of Certificate on Security Interest.**

It is the intention of the statutes to allow the security interest in a vehicle perfected in a state other than Arkansas by required notation on a certificate of title issued by that state to remain perfected in this state for a period of four

months and so long thereafter as no certificate of title is issued by this state. Strick Corp. v. Eldo-Craft Boat Co., 479 F. Supp. 720 (W.D. Ark. 1979).

**Cited:** Commercial Credit Corp. v. Associates Disct. Corp., 246 Ark. 118, 436 S.W.2d 809 (1969).

**27-14-908. Assignment by lienholder.**

(a) Any person holding a lien or encumbrance upon a vehicle, other than a lien dependent solely upon possession, may assign his or her title or interest in or to the vehicle to a person other than the owner without the consent of the owner, and without affecting the interest of the owner or the registration of the vehicle, but in such event, he or she shall give to the owner a written notice of the assignment.

(b) The Office of Motor Vehicle, upon receiving a certificate of title assigned by the holder of a lien or encumbrance shown thereon and giving the name and address of the assignee, shall issue a new certificate of title as upon an original application.

**History.** Acts 1949, No. 142, § 54; A.S.A. 1947, § 75-154.



**27-14-909. Release of lien by lienholder — Disclosure of information.**

(a) For purposes of this section, a lien or encumbrance is satisfied when the lienholder receives final payment under § 4-4-215.

(b)(1) Upon the satisfaction of any lien or encumbrance on a vehicle for which the certificate of title is in the possession of the lienholder, the lienholder shall within ten (10) business days after receipt of final payment under § 4-4-215 execute a release of the lien or encumbrance in the space provided in the certificate of title, or as the Office of Motor Vehicle prescribes, and mail or deliver the certificate of title and the release of lien or encumbrance to the next lienholder named in the certificate of title or, if none, to the owner or to any person who delivers to the lienholder an authorization from the owner to receive the certificate of title.

(2) Upon the satisfaction of a lien or encumbrance on a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose lien or encumbrance is paid in full shall within ten (10) business days after receipt of final payment under § 4-4-215 execute a release of lien or encumbrance in the form the office prescribes and deliver the release of lien or encumbrance to the owner or to any person who delivers to the lienholder an authorization from the owner to receive it.

(c) This section shall not be construed to apply to manufactured housing or mobile homes.

(d) A lienholder named in a certificate of title shall upon written request of the owner or of another lienholder named on the certificate of title disclose any pertinent information as to his or her security agreement and the indebtedness secured.

(e)(1) Any lienholder who fails to comply with subsection (b) of this section shall pay to the person or persons satisfying the lien or encumbrance twenty-five dollars (\$25.00) for the first five (5) business days after expiration of the time period prescribed in subsection (b) of this section, and the payment shall double for each five (5) days thereafter in which there is continued noncompliance, up to a maximum of five hundred dollars (\$500) for each lien.

(2) If delivery of the certificate of title is by mail, the delivery date is the date of the postmark for purposes of this subsection (e).

**History.** Acts 1949, No. 142, § 55; 1959, No. 307, § 10; A.S.A. 1947, § 75-155; Acts 1999, No. 1305, § 1; 2007, No. 589, § 1.

**Amendments.** The 2007 amendment deleted former (a)(2); substituted “final payment under § 4-4-215” for “payment in full” in (a); in (b)(1), substituted “final payment under § 4-4-215” for “payment in full by certified funds and within thirty (30) business days after receipt of payment in full by noncertified funds,” “of

title and the release of lien or encumbrance” for “and release,” and “in the certificate of title” for “therein”; in (b)(2), substituted “final payment under § 4-4-215” for “payment in full by certified funds and within thirty (30) business days after receipt of payment in full by noncertified funds,” and inserted “of lien or encumbrance” twice; inserted “of title” in (d); and made related and stylistic changes.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

**RESEARCH REFERENCES**

**Ark. L. Rev.** Leary and Sperling, The Outer Limits of Entrusting, 35 Ark. L. Rev. 50.

**27-14-910. Reregistration — File.**

(a) The Office of Motor Vehicle, upon receipt of a properly endorsed certificate of title and proper application for registration accompanied by the required fee, and when satisfied as to the genuineness and regularity of the transfer and of the right of the transferee to a certificate of title, shall reregister the vehicle as upon a new registration in the name of the new owner and issue a new certificate of title as upon an original application.

(b) The office shall retain and appropriately file every surrendered certificate of title, the file to be so maintained as to permit the tracing of title of the vehicle designated therein.

**History.** Acts 1949, No. 142, § 52; A.S.A. 1947, § 75-152.

**27-14-911. Transferor not liable for negligent operation.**

The owner of a motor vehicle who has made a bona fide sale or transfer of his or her title or interest and who has delivered possession of the vehicle to the purchaser or transferee shall not be liable for any damages thereafter resulting from negligent operation of the vehicle by another. Furthermore, the selling or transferring owner, upon delivery of possession, shall not be liable for any such damage or negligence if one (1) of the following requirements is fulfilled:

(1) Delivered the certificate of title, properly endorsed and dated with the date of the endorsement, to the purchaser or transferee;

(2) Delivered to the Office of Motor Vehicle or placed in the United States mail, addressed to the office, the notice as provided in § 27-14-916; or

(3) Delivered to the office or placed in the United States mail, addressed to the office, the appropriate documents and fees for registration of the motor vehicle to the new owner pursuant to the sale or transfer.

**History.** Acts 1949, No. 142, § 57; A.S.A. 1947, § 75-157; Acts 2001, No. 450, § 1.

**CASE NOTES****Jury Question.**

Whether the driver who allegedly bought the car before a mishap or the alleged owner in whose name the car was registered at the time of the mishap is the

true owner was properly submitted to the jury. *Rook v. Moseley*, 236 Ark. 290, 365 S.W.2d 718 (1963).

**Cited:** *Bradley v. French*, 297 Ark. 567, 764 S.W.2d 605 (1989).

**27-14-912. Dismantling or wrecking vehicles.**

Any owner dismantling or wrecking any registered vehicle shall immediately forward to the Office of Motor Vehicle, if available, the certificate of title, registration certificate, and the license plate last issued for the vehicle.

**History.** Acts 1949, No. 142, § 58; 1981, No. 886, § 2; A.S.A. 1947, § 75-158.

**27-14-913. Sale of motor vehicles to be dismantled, etc.**

(a) Any owner who sells a motor vehicle to be used as scrap or to be dismantled or destroyed shall assign a certificate of title thereto to the purchaser and shall deliver the certificate, as assigned, to the Office of Motor Vehicle with a notice that the vehicle is to be dismantled.

(b)(1) If the motor vehicle is at least ten (10) years old and no certificate of title is available, the purchaser shall deliver a bill of sale in lieu of the certificate of title to the office.

(2)(A) The bill of sale shall identify the make, model, and serial number of the motor vehicle, and this information shall be verified by a municipal police officer's, sheriff's, or deputy sheriff's signature on the bill of sale.

(B)(i) The verifying law enforcement officer shall cause the bill of sale to be forwarded to the office, and for such service the city or county, as the case may be, shall receive a five dollar (\$5.00) fee, which shall be placed in the city or county general fund.

(ii) The office shall thereupon cancel the certificate of title to the motor vehicle and record the notice that the motor vehicle is to be dismantled, which shall authorize the person to possess or transport the motor vehicle or to transfer ownership thereto by endorsement on the bill of sale.

(c) A certificate of title shall not again be issued for a vehicle for which a notice of intent to dismantle has been recorded, except upon certification within ninety (90) days of the date of filing, from the person filing the notice, that the notice of intent to dismantle was filed in error.

(d) The term "motor vehicle", as used in this section, shall not be applicable to any vehicle which meets each and every one of the following conditions:

- (1) Is so badly damaged or deteriorated as to be inoperable;
- (2) Is not equipped with parts and accessories which are essential to the operation of a motor vehicle;
- (3) Does not have a current license plate or plates;
- (4) Is over ten (10) years of age;
- (5) Is not equipped with a gas tank;
- (6) Is not equipped with tires; and
- (7) Has no value except as junk.

**History.** Acts 1949, No. 142, § 59; A.S.A. 1947, § 75-159; Acts 1997, No. 809, 1959, No. 307, § 8; 1981, No. 886, § 1; § 3; 2001, No. 328, § 1.



**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

**27-14-914. Transfer of license plates and registration from one vehicle to another.**

(a)(1) When the owner of any motor vehicle, excepting Class One trucks and passenger automobiles other than buses, registered and licensed in this state, shall sell or transfer the motor vehicle or when the motor vehicle has been destroyed so as to be unfit for repair or further use, and the owner shall replace the vehicle with another motor vehicle requiring payment of the same registration or license fee, the owner may, at his election, transfer the license plate and registration of the vehicle being so disposed of to the vehicle acquired as a replacement thereof, upon payment to the Director of the Department of Finance and Administration of a transfer fee of ten dollars (\$10.00) per vehicle.

(2) If at the time of transfer the replacement vehicle shall require payment of a larger license fee than the vehicle transferred, the owner shall pay the difference in addition to such transfer fee.

(3) The owner may elect not to transfer the registration and license plate, in which event the transfer of the vehicle shall be governed as provided by law.

(b) The director shall provide suitable forms to enable owners electing to do so to transfer license plate(s) and registration and make payment of the fee provided in this section and shall be empowered to make reasonable rules and regulations governing these transfers.

**History.** Acts 1967, No. 134, §§ 1, 2;  
A.S.A. 1947, §§ 75-287, 75-288.

**27-14-915. Transfer of license on vehicles for hire.**

(a) When the owner of a vehicle licensed to operate for hire takes the vehicle out of the for-hire service, the Director of the Department of Finance and Administration, upon the payment of a transfer charge of two dollars (\$2.00), will cause the license for the vehicle to be transferred to another vehicle for like use to be registered by the owner.

(b) If the fee for registration and licensing the vehicle under registration is greater than that represented by the license to be transferred, then the director shall, in addition, collect an amount equal to the excess payable for the vehicle under registration.

(c) No refund will be due in the event that the fee for registration and licensing the vehicle under registration is less than that represented by the license to be transferred.

(d)(1) Upon the transfer of a license, the director will cause to be cancelled all registrations on the vehicle taken out of for-hire service.

(2) In the event the vehicle is thereafter used upon the highways of the State of Arkansas, the owner thereof must cause it to be reregistered in the usual manner.

**History.** Acts 1947, No. 416, §§ 1, 2;  
A.S.A. 1947, §§ 75-207, 75-208.

**27-14-916. Notice of sale or transfer.**

(a) Whenever the owner of a motor vehicle registered under this chapter sells or transfers title or interest in and delivers the possession of the motor vehicle to another person, the owner may notify the Office of Motor Vehicle of the sale or transfer.

(b) The notice shall provide the following information:

- (1) The date of the sale or transfer;
- (2) The name and address of the owner and of the transferee;
- (3) The vehicle identification number; and
- (4) A description of the vehicle.

(c) If the registered owner is not in possession of the motor vehicle that is sold or transferred, the person in physical possession of that motor vehicle may give the notice authorized by subsection (a) of this section. If the registered owner sells or transfers the vehicle through a motor vehicle dealer conducting an auto auction, the owner may furnish the information required by subsection (b) of this section to that dealer.

**History.** Acts 2001, No. 450, § 2.

**SUBCHAPTER 10 — PERMANENT AUTOMOBILE LICENSING ACT**

- SECTION.
- 27-14-1001. Title.
  - 27-14-1002. Definitions.
  - 27-14-1003. Applicability.
  - 27-14-1004. Penalties.
  - 27-14-1005. Failure to affix or display license plates, etc.
  - 27-14-1006. Authority to issue permanent license plate subject to replacement.
  - 27-14-1007. Issuance of license plate.
  - 27-14-1008. Issuance of permanent reflectorized license plates.
  - 27-14-1009. Issuance of special personalized license plate.
  - 27-14-1010. Registration certificate.
  - 27-14-1011. Registration on monthly-series basis — Renewal periods.

- SECTION.
- 27-14-1012. Applications for registrations or renewals.
  - 27-14-1013. Renewals of registration.
  - 27-14-1014. Application forms for renewals of registration.
  - 27-14-1015. Payment of personal property taxes and listing for assessment required.
  - 27-14-1016. Other information required.
  - 27-14-1017. Calculation of license fees.
  - 27-14-1018. Issuance of annual tab or decal.
  - 27-14-1019. Changes of address.
  - 27-14-1020. Rules and regulations.
  - 27-14-1021. Annual notification of requirements.

**A.C.R.C. Notes.** References to “this subchapter” in §§ 27-14-1001 — 27-14-1020 may not apply to § 27-14-1021 which was enacted subsequently.

**Effective Dates.** Acts 1967, No. 465, § 26: emergency clause failed to pass. Emergency clause provided: “It is hereby

found and determined by the General Assembly that the present system of registration and licensing of motor vehicles is cumbersome, expensive, and time consuming; that each year thousands of dollars of tax monies are expended unnecessarily by the State of Arkansas for the



salaries of the additional employees to process and issue licenses for motor vehicles; that a less expensive and more simplified system would substantially reduce the administrative cost of such system; that many people in this State desire personalized license plates and are willing to pay an additional fee to obtain such license plates and that this would increase the annual revenues of this State; that the Sixty-Sixth General Assembly has voted to extend the present Legislative Session without specifying a date for sine die adjournment thus, in effect, holding in abeyance all legislation not containing an emergency clause until ninety (90) days after the sine die adjournment of said Session; and that in order to institute an inexpensive, timesaving and simplified system of motor vehicle registration and licensing, and to make available to the State additional revenues without a general tax increase, it is necessary that this Act become effective immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval." Approved Mar. 30, 1967.

Acts 1968 (1st Ex. Sess.), No. 41, § 3: Feb. 20, 1968. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present law providing for penalties for failure to register a motor vehicle with the Department of Revenues is based on the old system of registering said motor vehicles between January 1 and January 31; that under Act 465 of 1967, commonly known as the Permanent Automobile Licensing Act of 1967, a system was enacted to provide for the registration of motor vehicles during the entire year; that the Department of Revenues is now operating under the Permanent Automobile Licensing Act of 1967; and that in order to apply proper penalties to the Permanent Automobile Licensing Act of 1967, it is necessary that this act become effective immediately. Therefore, an emergency is hereby declared to exist, and this act, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1975, No. 691, § 3: Apr. 3, 1975. Emergency clause provided: "It is hereby

found and determined by the General Assembly that under the practice currently followed in registering vehicles, if a person purchases a vehicle and applies for registration thereof within the first fifteen (15) days of any month, the decals issued to such person for evidencing registration period are decals for the previous month, and as a result such person loses a portion of the annual registration fee; that it is in the best interest of the citizens of this State that the law be revised to provide that decals issued to a person to evidence the registration period of a vehicle be for the current month in which application is made for registration regardless of the day of the month in which application is made; that this Act is immediately necessary to insure that residents of this State will receive a full one (1) year registration for the annual registration fee paid on any vehicle and should be given effect immediately to accomplish this purpose. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1975 (Extended Sess., 1976), No. 1200, § 6: Feb. 11, 1976. Emergency clause provided: "It is hereby found and determined that it is essential to the industrial, commercial and economic well being of Arkansas communities served by railroad companies undergoing reorganization pursuant to the Federal Bankruptcy Act that these companies be authorized to continue full services to the affected communities pending final reorganization. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 1000, § 6: Apr. 14, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that because of the case *Ricarte v. State*, CR 86-31, a question has arisen over the validity of Act 1200 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist and this Act being



necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 1261, § 4: Jan. 1, 1994.  
Acts 1997, No. 974, § 21: Jan. 1, 1998.

### 27-14-1001. Title.

This subchapter may be cited as the "Permanent Automobile Licensing Act of 1967".

**History.** Acts 1967, No. 465, § 1; A.S.A. 1947, § 75-133.11.

which enacted the Permanent Automobile Licensing Act of 1967, also amended § 27-14-902. See § 23 of the act.

**Publisher's Notes.** Acts 1967, No. 465,

### 27-14-1002. Definitions.

(a) As used in this subchapter:

(1) "Class One trucks" includes trucks of Class One as defined in § 27-14-601(a)(3), but excludes trailers and semitrailers of that class;

(2) "Commercial motor vehicle" includes motor buses, motor buses in interstate or intrastate operations, trucks, tractors, trailers, and semitrailers of Classes Two, Three, Four, Five, Six, Seven, and Eight, as provided in § 27-14-601(a)(3), and trailers and semitrailers in Class One of § 27-14-601(a)(3);

(3) "Director" means the Director of the Department of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles, or his or her authorized agent;

(4) "Passenger motor vehicle" includes all other vehicles except as defined in subdivision (a)(2) of this section and except Class One trucks;

(5) "Proper application" consists of a completed application form which meets all of the requirements relevant to securing a motor vehicle license, including the submission of proper fees within the required time; and

(6) "Tab or decal" is an attachable material of such form and substance as the director may prescribe by rule or regulation.

(b) Other terms as used in this subchapter are used in accordance with the Motor Vehicle Code contained in this title.

**History.** Acts 1967, No. 465, § 2; A.S.A. 1947, § 75-133.12.

15 of this title may be considered as the "Motor Vehicle Code" of Arkansas.

**Publisher's Notes.** Chapters 14 and

### 27-14-1003. Applicability.

All passenger motor vehicles and Class One trucks shall be subject to the provisions of this subchapter.

**History.** Acts 1967, No. 465, § 3; A.S.A. 1947, § 75-133.13.

**27-14-1004. Penalties.**

(a) Any person failing to comply with the provisions of this subchapter by operating a passenger motor vehicle, as set forth and described in § 27-14-1002(a), or by operating a Class One truck, as set forth and described in § 27-14-1002(a), which is subject to registration under the laws of this state on any street, road, or highway in the State of Arkansas without having first registered the motor vehicle with the Office of Motor Vehicle, in the manner and within the period required by law or regulations of the Director of the Department of Finance and Administration, shall be required to pay a penalty of three dollars (\$3.00) for each ten (10) days, or fraction thereof, for which he or she fails properly to register the vehicle until the penalty reaches the same amount as the annual license fee of the vehicle to be registered.

(b) No penalty shall be assessed if the owner or operator of a vehicle makes an affidavit to the effect that the vehicle has not been operated on any street, road, or highway in the State of Arkansas after the time set for registering the motor vehicle with the office.

(c) If such affidavit shall be false, the making of the affidavit shall constitute a misdemeanor and shall be punishable by a fine of from two hundred fifty dollars (\$250) to five hundred dollars (\$500).

**History.** Acts 1967, No. 465, § 8; 1968 (1st Ex. Sess.), No. 41, § 1; A.S.A. 1947, § 75-133.18.

**CASE NOTES**

**Cited:** *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988); *Miller v. Leathers*, 312 Ark. 522, 851 S.W.2d 421 (1993).

**27-14-1005. Failure to affix or display license plates, etc.**

The failure of the motor vehicle owner to affix and display:

- (1) The permanent license plates;
- (2) The tab or decal; or

(3) The registration card, in the places designated by the Director of the Department of Finance and Administration, shall be a misdemeanor subject to the penalties provided by § 27-14-301.

**History.** Acts 1967, No. 465, § 19; A.S.A. 1947, § 75-133.29.

**27-14-1006. Authority to issue permanent license plate subject to replacement.**

(a) The Director of the Department of Finance and Administration is authorized to issue to the owner of a vehicle subject to this subchapter a permanent license plate subject to replacement at the request of the owner because of theft, loss, wear, or mutilation, or at the discretion of

either the Director of the Department of Arkansas State Police or the Director of the Department of Finance and Administration.

(b) Nothing in this section shall be construed as amending or altering § 27-14-602 or § 27-14-720.

**History.** Acts 1967, No. 465, § 4; A.S.A. 1947, § 75-133.14.

#### **27-14-1007. Issuance of license plate.**

Upon registration, the owner of every vehicle of a type subject to the provisions of this subchapter shall receive a permanent license plate issued by the Director of the Department of Finance and Administration upon the payment of the fees required by law.

**History.** Acts 1967, No. 465, § 6; A.S.A. 1947, § 75-133.16.

#### **27-14-1008. Issuance of permanent reflectorized license plates.**

(a)(1) The Director of the Department of Finance and Administration is authorized to issue permanent reflectorized license plates in such form as he or she shall prescribe.

(2) These license plates shall be attached to motor vehicles in such manner as he or she shall prescribe.

(3) Each reflectorized license plate so issued by the director shall have imprinted thereon a multicolor reflectorized graphic design or logo in such a manner and of such design as he or she shall prescribe which will promote tourism and improve public relations inside and outside the State of Arkansas.

(b) No identical plates shall be issued for more than one (1) vehicle.

(c) All license plates that have been issued prior to the enactment of this section shall be replaced by the director with license plates that shall conform to this subchapter and be attached to motor vehicles during a replacement or recycle period beginning not earlier than January 1, 1980, nor later than January 31, 1981.

**History.** Acts 1967, No. 465, § 14; 1977, No. 367, § 1; 1979, No. 744, § 1; A.S.A. 1947, § 75-133.24.

#### **27-14-1009. Issuance of special personalized license plate.**

(a)(1) The Director of the Department of Finance and Administration shall provide for and issue a special personalized license plate for passenger motor vehicles.

(2) The plate shall be issued in lieu of the standard license plate for such vehicles, upon application therefor and the payment of a fee of twenty-five dollars (\$25.00) per year in addition to the regular registration fee prescribed for the vehicle to which the special plate is to be attached.



(3)(A) The color of the background and color of the numbers or letters on such special plate shall be identical to the colors on the standard permanent plate issued.

(B) The director, in his or her discretion, may limit the number of characters or the context in which they appear on the license plate.

(b) No identical special license plate shall be issued for more than one (1) vehicle.

(c)(1) In the event the owner does not desire to renew his or her personalized license plate, he or she shall surrender the plate at the time of renewal of registration.

(2) The willful failure or neglect thereof shall be a misdemeanor.

(d) The director may adopt regulations concerning the issuance of a personalized plate.

**History.** Acts 1967, No. 465, § 15; ized license plates, §§ 27-15-101 et seq. A.S.A. 1947, § 75-133.25. and 27-24-101 et seq.

**Cross References.** Specific personal-

### **27-14-1010. Registration certificate.**

(a) The Director of the Department of Finance and Administration shall issue to each owner of a motor vehicle subject to this subchapter a registration certificate which must be kept in the motor vehicle in the place prescribed by the director.

(b) The willful failure or neglect to comply with the provisions of this section shall be a misdemeanor.

**History.** Acts 1967, No. 465, § 21; A.S.A. 1947, § 75-133.31.

### **27-14-1011. Registration on monthly-series basis — Renewal periods.**

(a)(1) The Director of the Department of Finance and Administration shall establish a system of registration on a monthly-series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve (12) months of the calendar year.

(2) The director may set the number of renewal periods within the month from one (1) each month to one (1) each day of the month depending on which system is most economical and best accommodates the public.

(b) If the director elects to use monthly renewal periods, when a person applies for the registration of a vehicle and the issuance of a permanent license plate, the decals issued by the director for attachment to the permanent plates to evidence the registration period shall be decals for the current month in which application is made for registration, regardless of the day of the month on which application is made.

(c) The director shall, upon request, assign to any owner of two (2) or more vehicles the same registration period.

(d) Registration shall be valid for one (1) year from the date thereof and shall continue from year to year thereafter as long as renewed each year within the time required by law.

(e) The director shall establish a system to allow owners to renew their motor vehicle registrations by facsimile machine and to charge their fees to credit cards. The director shall obtain a number of facsimile machines and publish the telephone numbers of these machines and make agreements with credit card companies so as to best accommodate the public.

**History.** Acts 1967, No. 465, § 5; 1975, No. 691, § 1; A.S.A. 1947, § 75-133.15; Acts 1991, No. 1005, § 1.

### CASE NOTES

**Cited:** *Miller v. Leathers*, 312 Ark. 522, 851 S.W.2d 421 (1993).

### **27-14-1012. Applications for registrations or renewals.**

(a)(1) An applicant may apply, in person or by mail, for the issuance of permanent license plates or renewal of license to the revenue collector in the county where he or she resides or to the Director of the Department of Finance and Administration.

(2) After the issuance of a permanent license plate, an applicant may apply for renewal by transmitting copies of the required documents by facsimile machine over the telephone lines and by authorizing the registration fee and any additional handling fee imposed to be charged to his or her credit card.

(b) Not less than thirty (30) days before the expiration of the license, the director shall notify the owner of a registered motor vehicle subject to this subchapter at the last address of the owner of the motor vehicle as such owner's name and address appear on the records of the Office of Motor Vehicle, but the director is not required to go beyond the face of the last registration statement.

(c)(1) A proper application for registration or renewal by mail must be postmarked not later than fifteen (15) days before the date for renewal to allow time for processing.

(2)(A) A proper application for renewal by facsimile machine must be received not later than seven (7) days before the date for renewal to allow time for processing.

(B) The time and date printed by the facsimile machine of the Revenue Division of the Department of Finance and Administration shall be evidence of the date and time of the application.

(d) The director is authorized to impose a first class postage fee for handling the issuance of all new licenses or renewals by mail and to impose an additional fee to recover any credit card fees charged by credit card companies.

**History.** Acts 1967, No. 465, § 16; 1005, § 2; 1993, No. 1261, § 3; 1999, No. A.S.A. 1947, § 75-133.26; Acts 1991, No. 461, § 2.

### **27-14-1013. Renewals of registration.**

The owner of any permanent license plate issued by the Director of the Department of Finance and Administration may renew his or her registration in person or by mail at a county revenue office or with the director or, where available, by facsimile machine transmission during any day from forty-five (45) days prior to the date on which his or her registration shall expire. The applicant, upon receiving notification by the director of his or her new permanent registration date, shall, within the time prescribed by the director, pay a twelve-month registration fee.

**History.** Acts 1967, No. 465, § 7; A.S.A. 1947, § 75-133.17; Acts 1991, No. 1005, § 3.

### **CASE NOTES**

**Cited:** *Miller v. Leathers*, 312 Ark. 522, 851 S.W.2d 421 (1993).

### **27-14-1014. Application forms for renewals of registration.**

(a)(1) The Director of the Department of Finance and Administration shall mail application forms for all renewals of registration under this subchapter to the last address of the owner of the motor vehicle as the owner's name and address appear on the records of the Office of Motor Vehicle.

(2) The director shall not be required to go beyond the face of the last registration.

(b) The failure of an owner to receive notice of expiration of his or her motor vehicle license shall not be construed as an extenuating circumstance for the failure of a motor vehicle owner to renew his or her license on time.

**History.** Acts 1967, No. 465, § 20; A.S.A. 1947, § 75-133.30.

### **27-14-1015. Payment of personal property taxes and listing for assessment required.**

(a) The owner of every vehicle subject to registration in Arkansas shall assess the vehicle with the county tax assessor in the county where required by law and within the time required by law.

(b)(1) The county tax assessor and county tax collector shall provide to the Director of the Department of Finance and Administration updates to the state vehicle registration system to indicate whether or not the owner of each vehicle registered in the county has assessed the vehicle and owes no delinquent personal property taxes. Such updates shall be required not later than January 1, 1999.



(2) The provisions of this section shall not apply to vehicles assessed by the Tax Division of the Arkansas Public Service Commission and registered under the provisions of the International Registration Plan, nor shall the provisions of this section apply to vehicles owned by the state, public schools, political subdivisions of this state or any other vehicles which are not subject to annual assessment and payment of personal property taxes.

(3) The director shall provide free of charge to each county assessor and to each county collector in this state, such additional computer hardware, software, and telecommunications links as he or she deems are essential to allow the county assessors and collectors to electronically forward to the Department of Finance and Administration updates to the vehicle registration system for the purposes of adding, changing, or removing information identifying vehicles which have been assessed within the time frame required by law, and vehicles for which the owners have paid personal property taxes within the time frame required by law.

(c) There is hereby levied a new fee of two dollars and fifty cents (\$2.50) for the sale of each annual license plate validation decal for a motor vehicle. This new fee shall be collected by the director at the same time the vehicle registration fees imposed by § 27-14-601 are collected; however, this new decal fee shall be accounted for separately from the registration fee. Such amount shall be mandatory and is collected for the purpose of extending to vehicle owners the additional services and conveniences of the options to renew vehicle registrations by telephone, electronically, by mail, or in person without requiring applicants to submit to the director proof of assessment and payment of personal property taxes.

(d)(1) One dollar and fifty cents (\$1.50) of the amount collected by the director pursuant to subsection (c) of this section for each annual license plate validation decal shall not be deposited in the State Treasury but shall be remitted to the Arkansas Development Finance Authority.

(2) One dollar (\$1.00) of the amount collected by the director pursuant to subsection (c) of this section for each annual license plate validation decal shall be deposited into the State Treasury as direct revenues to the State Central Services Fund, there to be used by the Revenue Division of the Department of Finance and Administration in supporting those activities and programs which will facilitate extending to vehicle owners the additional services and conveniences of the options to renew vehicle registrations by telephone, electronically, by mail, or in person without requiring applicants to submit to the director proof of assessment and payment of personal property taxes or proof of automobile liability insurance coverage.

(3) All amounts derived from the new fee imposed by subsection (c) of this section for the sale of annual license plate validation decals, whether held by the director or the authority, which are to be remitted to the authority shall be cash funds not subject to appropriation and

shall be used and applied by the authority only as provided in § 22-3-1225. The fees charged for the annual license plate validation decal and paid to the authority pursuant to subdivision (d)(1) of this section shall not be reduced or otherwise impaired during the time that such fees are pledged by the authority to the repayment of any of the authority's bonds issued in accordance with § 22-3-1225.

**History.** Acts 1967, No. 465, §§ 10, 11; 1969, No. 42, §§ 1, 2; 1975 (Extended Sess., 1976), No. 1200, §§ 2, 3; A.S.A. 1947, §§ 75-133.20, 75-133.21; reen. Acts 1987, No. 1000, § 2; Acts 1991, No. 1005, § 4; 1993, No. 233, § 1; 1997, No. 974, § 4.

**A.C.R.C. Notes.** Part of this section was reenacted by Acts 1987, No. 1000, § 2. Acts 1987, No. 834, provided that 1987 legislation reenacting acts passed in the 1976 Extended Session should not repeal any other 1987 legislation and that such other legislation would be controlling in the event of conflict.

Acts 1987, No. 1000, § 1, reenacted the language of Acts 1975 (Extended Sess., 1976), No. 1200, § 1, which appears as a Publisher's Note to this section.

Acts 1997, No. 974, § 19, codified as

§ 27-3-103, provided: "The Director of the Department of Finance and Administration shall have the authority to promulgate such regulations as are necessary to implement and administer the provisions of this Act."

**Publisher's Notes.** Acts 1975 (Extended Sess., 1976), No. 1200, § 1, as reenacted by Acts 1987, No. 1000, § 1, provided that the purpose of the act was to permit railroad companies undergoing reorganization pursuant to the Federal Bankruptcy Act provisions and continuing to operate in the State of Arkansas to license their motor vehicle fleets without proof of payment for any outstanding personal property taxes which were or might have been the subject of claims before any federal bankruptcy court.

## CASE NOTES

### Constitutionality.

A state has the power to assist local agencies and subdivisions in the collection of local property taxes, and this section requiring proof of assessment and payment of taxes on personal property as a condition to obtaining license for use of

motor vehicle does not violate the due process clause of U.S. Const. Amend. 14 or Ark. Const. Amend. 47. *Earnhart v. Heath*, 369 F. Supp. 259 (E.D. Ark. 1974).

**Cited:** *Arkansas County v. Burris*, 308 Ark. 490, 825 S.W.2d 590 (1992).

## 27-14-1016. Other information required.

The Director of the Department of Finance and Administration may require such other information of applicants as he or she deems necessary for the proper licensing of motor vehicles and the proper maintenance of a motor vehicle register.

**History.** Acts 1967, No. 465, § 12; A.S.A. 1947, § 75-133.22.

## 27-14-1017. Calculation of license fees.

For the purpose of calculating any license fees due, each major fraction of a dollar shall be treated as a whole dollar and each fraction of a dollar less than fifty cents (50¢) shall be disregarded.

**History.** Acts 1967, No. 465, § 9; A.S.A. 1947, § 75-133.19.

### **27-14-1018. Issuance of annual tab or decal.**

(a) In conjunction with the permanent license plate, the Director of the Department of Finance and Administration shall issue a tab or decal annually or, when appropriate, to each qualified applicant as evidence of the annual payment of license fees.

(b) A motor vehicle owner shall affix and display the tab or decal in such place as the director shall designate.

**History.** Acts 1967, No. 465, §§ 17, 18; A.S.A. 1947, §§ 75-133.27, 75-133.28.

### **27-14-1019. Changes of address.**

(a) Every owner of a motor vehicle subject to this subchapter shall report to the Director of the Department of Finance and Administration any change of address from that listed when the vehicle was registered.

(b) The willful failure or neglect of an owner to report such change of address shall be a misdemeanor and shall subject such owner to the penalties provided by § 27-14-301 and shall relieve the director of any obligation of notifying the owner of expiration of his motor vehicle license and registration.

**History.** Acts 1967, No. 465, § 13; A.S.A. 1947, § 75-133.23.

### **27-14-1020. Rules and regulations.**

The Director of the Department of Finance and Administration shall promulgate such reasonable rules and regulations and prescribe such forms as are necessary for the proper enforcement of this subchapter.

**History.** Acts 1967, No. 465, § 22; A.S.A. 1947, § 75-133.32.

### **27-14-1021. Annual notification of requirements.**

(a) From and after January 1, 1998, the Director of the Department of Finance and Administration shall cause to be mailed to each vehicle owner in this state the following information:

(1) Notification of the requirement that each vehicle must be assessed and personal property taxes must be paid annually;

(2) Notification of the procedure and time period for annual assessment of personal property;

(3) Notification of the requirement that proof of liability insurance is required and must be maintained at all times in the vehicle; and

(4) Notification of the penalties contained in Arkansas law for:

(A) Failure to assess the vehicle or pay personal property taxes due;



(B) Failure to maintain liability insurance coverage on the vehicle; and

(C) Operation of an unsafe vehicle.

(b) The director may comply with the requirements set forth in subsection (a) of this section by including the information in the annual vehicle registration renewal notice sent to each vehicle owner.

(c) The director shall also cause to be displayed, in conspicuous fashion, at each revenue office in this state, the information set forth in subsection (a) of this section.

(d) The director shall also, not later than January 1, 1998, provide such notice as is set forth in subsection (a) of this section, as well as the new procedures, to all new and used vehicle dealers in this state.

**History.** Acts 1997, No. 974, § 17.

**A.C.R.C. Notes.** References to "this chapter" in subchapters 1-22 may not apply to this section which was enacted subsequently.

Acts 1997, No. 974, § 19, codified as

§ 27-3-103, provided: "The Director of the Department of Finance and Administration shall have the authority to promulgate such regulations as are necessary to implement and administer the provisions of this Act."

## SUBCHAPTER 11 — SPECIAL PERSONALIZED PRESTIGE LICENSE PLATES

### SECTION.

27-14-1101. Authority to issue for passenger cars.

27-14-1102. Applications — Priority.

### SECTION.

27-14-1103. Design.

27-14-1104. Rules and regulations.

**Cross References.** Specific personalized license plates, §§ 27-15-101 et seq. and 27-24-101 et seq.

**Effective Dates.** Acts 1979, No. 440, §§ 4, 7: July 1, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that existing highway user revenue sources do not provide for the adequate maintenance, repair, construction and reconstruction of state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order

to finance adequate highway, road and street maintenance and construction programs; that the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets is not provided; and that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July first of 1979."

### 27-14-1101. Authority to issue for passenger cars.

(a) The Director of the Department of Finance and Administration shall provide for and issue special personalized prestige license plates for passenger automobiles and motorcycles.

(b) The special personalized prestige license plates shall be issued in addition to the regular license plates for such vehicles, upon application therefor and the payment of an annual fee of twenty-five dollars (\$25.00) in addition to the regular registration fee prescribed for the vehicle to which the special personalized prestige license plate is to be attached.

(c) No identical special personalized prestige license plates shall be issued for different vehicles for the same year.

**History.** Acts 1967, No. 194, § 1; 1979, No. 440, § 3; A.S.A. 1947, § 75-201.3; Acts 1989, No. 31, § 1.

### **27-14-1102. Applications — Priority.**

(a) Any automobile owner or motorcycle owner desiring to obtain a special personalized prestige license plate for his or her automobile or motorcycle must make a new application each year and pay the additional fee prescribed in § 27-14-1101.

(b) Once an automobile owner or motorcycle owner makes application for and obtains a special personalized prestige license plate for his or her automobile or motorcycle as provided in § 27-14-1101, the person shall have first priority on the combination of numbers or letters contained on the special personalized prestige license plate for each following year for which he or she makes proper and timely application therefor.

**History.** Acts 1967, No. 194, § 2; A.S.A. 1947, § 75-201.4; Acts 1989, No. 31, § 2.

### **27-14-1103. Design.**

The color of the background and the color of the numbers or letters on the special personalized prestige license plates shall be identical to the colors on the regular license plates issued for the same year.

**History.** Acts 1967, No. 194, § 1; 1979, No. 440, § 3; A.S.A. 1947, § 75-201.3.

### **27-14-1104. Rules and regulations.**

(a) The Director of the Department of Finance and Administration is authorized to promulgate rules and regulations regarding the maximum and minimum number of letters, numbers, or symbols on special personalized prestige license plates issued under this subchapter.

(b) The director may also promulgate such other rules and regulations as shall be deemed necessary or desirable for effectively carrying out the intent and purposes of this subchapter and the laws of this state relative to the regulation and licensing of motor vehicles.

**History.** Acts 1967, No. 194, § 3; A.S.A. 1947, § 75-201.5.

## SUBCHAPTER 12 — PERMANENT TRAILER LICENSING ACT

### SECTION.

- 27-14-1201. Title.
- 27-14-1202. Definitions.
- 27-14-1203. Applicability.
- 27-14-1204. Penalties.
- 27-14-1205. [Repealed.]
- 27-14-1206. Time and place for registration or renewal.
- 27-14-1207. Information required of applicant.
- 27-14-1208. [Repealed.]
- 27-14-1209. Issuance of registration certificate.

### SECTION.

- 27-14-1210. Fee.
- 27-14-1211. Issuance of permanent plate.
- 27-14-1212. Issuance of reflectorized plates.
- 27-14-1213. Distribution of renewal applications.
- 27-14-1214. Renewal of registration.
- 27-14-1215. Issuance of tab or decal.
- 27-14-1216. Transfer of registration to another trailer.
- 27-14-1217. Report of change of address.
- 27-14-1218. Rules and regulations.

**Effective Dates.** Acts 1979, No. 671, § 28: Mar. 30, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present system of registration and licensing of small and medium size trailers is cumbersome, expensive, and time consuming; that each year thousands of dollars of tax moneys are expended unnecessarily by the State of Arkansas for the salaries of the additional employees to process and issue licenses for trailers; and that a less expensive and more simplified system would substantially reduce the administrative costs of such system and that in order to institute an inexpensive time saving and centralized system of trailer registration and licensing and to make available to this State additional revenues without a general tax increase, it is necessary that this act become effective immediately. Therefore, an emergency is hereby declared to exist and this act, being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 517, § 22: May 1, 1995. Emergency clause provided: "It is hereby

found and determined by the General Assembly that the boating safety laws of the State of Arkansas are in immediate need of revision, including, increased penalties for violation of the state's boating laws; providing capacity restrictions for loading passengers and cargo on vessels; providing penalties for negligent operation of vessels; providing restrictions for personal flotation devices; providing restrictions for vessel lighting after dark; and providing procedures for investigating boating accidents. Further, it is found that operation of vessels on the waters of the state under the current laws are creating unnecessary dangers to the life and property of the citizens of this state, and that increasing the penalties for this dangerous conduct and providing the stated restrictions for vessel operators will reduce the number of accidents and injuries to persons and property on the waters of the state. Therefore, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after May 1, 1995."

Acts 1997, No. 974, § 21: Jan. 1, 1998.

Acts 2001, No. 330, § 10: Jan. 1, 2002.



**27-14-1201. Title.**

This subchapter may be cited as the “Permanent Trailer Licensing Act of 1979”.

**History.** Acts 1979, No. 671, § 1; A.S.A. 1947, § 75-253.1.

**27-14-1202. Definitions.**

(a) As used in this subchapter:

(1) “Decal” means an attachable material of such form and substance as the Director of the Department of Finance and Administration may prescribe by rule or regulation;

(2) “Director” means the Director of the Department of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles of this state, also known as the Assistant Director for Revenues of the Department of Finance and Administration, or his or her authorized agents;

(3) “Proper application” means a completed application form which meets all of the requirements relevant to securing a trailer license, including the submission of proper fees within the required time; and

(4) “Trailer” means utility trailers, horse trailers, dog trailers, and other small and medium-sized trailers having a gross loaded weight not in excess of six thousand pounds (6,000 lbs.).

(b) Other terms as used in this subchapter are used in accordance with the Motor Vehicle Code.

**History.** Acts 1979, No. 671, § 2; A.S.A. 1947, § 75-253.2. the “Motor Vehicle Code,” see Publisher’s Notes to § 27-14-101.

**Publisher’s Notes.** For provisions of

**27-14-1203. Applicability.**

All trailers having a gross load not in excess of six thousand pounds (6,000 lbs.) shall be subject to the provisions of this subchapter.

**History.** Acts 1979, No. 671, § 3; A.S.A. 1947, § 75-253.3.

**27-14-1204. Penalties.**

(a) Any owner of a trailer failing to comply with the provisions of this subchapter shall be subject to the penalties provided for in Acts 1945, No. 221, § 3 [superseded].

(b) It shall be a misdemeanor subject to the penalties provided by § 27-14-301 for the failure of the trailer owner to affix and display:

(1) The permanent license plate;

(2) The tab or decal; or

(3) The registration card in the places designated by the Director of the Department of Finance and Administration.

**History.** Acts 1979, No. 671, §§ 8, 18; A.S.A. 1947, §§ 75-253.8, 75-253.18.

**Publisher's Notes.** Acts 1945, No. 221,

§ 3, referred to in subsection (a) of this section, is deemed to have been superseded by § 27-14-304.

### 27-14-1205. [Repealed.]

**Publisher's Notes.** This section, concerning registration on a monthly basis, was repealed by Acts 2001, No. 330, § 2, effective January 1, 2002. The section was

derived from Acts 1979, No. 671, § 5; A.S.A. 1947, § 75-253.5; Acts 1995, No. 517, § 18.

### 27-14-1206. Time and place for registration or renewal.

(a) An applicant may apply, in person or by mail, for the issuance of permanent license plates to the revenue collector in the county where he or she resides or to the Director of the Department of Finance and Administration.

(b) Thirty (30) days before the expiration of a license issued prior to January 1, 2002, the director shall notify the owner of a registered trailer subject to this subchapter at the last address of the owner of the trailer as the owner's name and address appear on the records of the office, but the director is not required to go beyond the face of the last registration statement.

(c)(1) A proper application for registration or renewal of a registration issued prior to January 1, 2002, by mail must be postmarked not later than fifteen (15) days before the date for renewal in order to allow time for processing.

(2) The director is authorized to impose a first class postage fee for handling the issuance of all new licenses or renewals by mail.

**History.** Acts 1979, No. 671, § 15; A.S.A. 1947, § 75-253.15; Acts 2001, No. 330, § 3.

**Publisher's Notes.** Acts 2001, No. 330, § 10, provided: "This Act shall become effective on January 1, 2002."

### 27-14-1207. Information required of applicant.

The Director of the Department of Finance and Administration may require such other information of applicants as he or she deems necessary for the proper licensing of trailers and the proper maintenance of a trailer register.

**History.** Acts 1979, No. 671, §§ 10, 12; A.S.A. 1947, §§ 75-253.10, 75-253.12; Acts 1997, No. 974, § 2.

**A.C.R.C. Notes.** Acts 1997, No. 974, § 19, codified as § 27-13-103, provided:

"The Director of the Department of Finance and Administration shall have the authority to promulgate such regulations as are necessary to implement and administer the provisions of this Act."

### 27-14-1208. [Repealed.]

**Publisher's Notes.** This section, concerning proof of assessment and payment

of personal property taxes, was repealed by Acts 1997, No. 974, § 3, effective Janu-

ary 1, 1998. The section was derived from Acts 1979, No. 671, § 11; A.S.A. 1947, § 75-253.11.

**27-14-1209. Issuance of registration certificate.**

- (a) The Director of the Department of Finance and Administration shall issue to each owner of a trailer subject to this subchapter a registration certificate, which must be kept in the place prescribed by the director.
- (b) The willful failure or neglect to comply with the provisions of this section shall be a misdemeanor.

**History.** Acts 1979, No. 671, § 20; A.S.A. 1947, § 75-253.20.

**27-14-1210. Fee.**

- (a) Upon registration, the owner of every trailer of a type subject to the provisions of this subchapter shall receive a permanent license plate issued by the Director of the Department of Finance and Administration upon the payment of the fee set forth in § 27-14-601.
- (b) For the purpose of calculating any license fees due, each fraction of a dollar more than fifty cents (50¢) shall be treated as a whole dollar, and each fraction of a dollar less than fifty cents (50¢) shall be disregarded.

**History.** Acts 1979, No. 671, §§ 6, 9; A.S.A. 1947, §§ 75-253.6, 75-253.9; Acts 2001, No. 330, § 4.

**Publisher’s Notes.** Acts 2001, No. 330, § 10, provided: “This Act shall become effective on January 1, 2002.”

**27-14-1211. Issuance of permanent plate.**

- (a) The Director of the Department of Finance and Administration is authorized to issue to the owner of a trailer subject to this subchapter a permanent license plate, subject to replacement, upon payment of the fee set forth in § 27-14-601.
- (b) Nothing in this section shall be construed as amending or altering § 27-14-602 or § 27-14-720.

**History.** Acts 1979, No. 671, § 4; A.S.A. 1947, § 75-253.4; Acts 2001, No. 330, § 5.

**Publisher’s Notes.** Acts 2001, No. 330, § 10, provided: “This Act shall become effective on January 1, 2002.”

**Cross References.** Lost or damaged certificates or plates, § 27-14-720. Registration fees, § 27-14-602.

**27-14-1212. Issuance of reflectorized plates.**

- (a) The Director of the Department of Finance and Administration is authorized to issue permanent reflectorized license plates in such form as he or she shall prescribe.
- (b) These license plates shall be attached to the trailer in such manner as he or she shall prescribe.



(c) No identical license plates shall be issued for more than one (1) trailer.

**History.** Acts 1979, No. 671, § 14; A.S.A. 1947, § 75-253.14.

### **27-14-1213. Distribution of renewal applications.**

(a) The Director of the Department of Finance and Administration shall mail application forms for all renewals of registration under this subchapter issued prior to January 1, 2002, to the last address of the owner of the trailer as the owner's name and address appear on the records of the Office of Motor Vehicle.

(b) The director shall not be required to go beyond the face of the last registration, and the failure of an owner to receive notice of expiration of his or her trailer license shall not be construed as an extenuating circumstance for the failure of a trailer owner to renew his or her license on time.

**History.** Acts 1979, No. 671, § 19; A.S.A. 1947, § 75-253.19; Acts 2001, No. 330, § 6. **Publisher's Notes.** Acts 2001, No. 330, § 10, provided: "This Act shall become effective on January 1, 2002."

### **27-14-1214. Renewal of registration.**

(a) The owner of any permanent license plate issued by the Director of the Department of Finance and Administration prior to January 1, 2002, may renew his or her registration, in person or by mail, at a county revenue office or with the director during any day from thirty (30) days prior to the date on which his or her registration shall expire.

(b) Upon receiving notification by the director of his or her new permanent registration date, the applicant shall, within the time prescribed by the director, pay the fee set forth in § 27-14-601.

**History.** Acts 1979, No. 671, § 7; A.S.A. 1947, § 75-253.7; Acts 2001, No. 330, § 7. **Publisher's Notes.** Acts 2001, No. 330, § 10, provided: "This Act shall become effective on January 1, 2002."

**Publisher's Notes.** Acts 2001, No. 330,

### **27-14-1215. Issuance of tab or decal.**

(a) In conjunction with the permanent license plate, the Director of the Department of Finance and Administration may issue a tab or decal as evidence of the payment of license fees.

(b) The trailer owner shall affix and display the tab or decal in such place as the director shall designate.

**History.** Acts 1979, No. 671, §§ 16, 17; A.S.A. 1947, §§ 75-253.16, 75-253.17; Acts 2001, No. 330, § 8. **Publisher's Notes.** Acts 2001, No. 330, § 10, provided: "This Act shall become effective on January 1, 2002."

**27-14-1216. Transfer of registration to another trailer.**

- (a) Whenever the owner of a registered trailer transfers or assigns his or her title, or interest thereto, the registration of the trailer shall expire.
- (b) The owner shall remove the license plate and any plate sticker, metal tab, or decal therefrom and forward them to the office.

**History.** Acts 1979, No. 671, § 22; A.S.A. 1947, § 75-253.22; Acts 2001, No. 330, § 9.

**Publisher’s Notes.** Acts 2001, No. 330, § 10, provided: “This Act shall become effective on January 1, 2002.”

**27-14-1217. Report of change of address.**

- (a) Every owner of a trailer subject to this subchapter shall report to the Director of the Department of Finance and Administration any change of address from that listed when the trailer was registered.
- (b) The willful failure or neglect of an owner to report a change of address shall:
- (1) Be a misdemeanor;
  - (2) Subject the owner to the penalties provided by § 27-14-301; and
  - (3) Relieve the director of any obligation of notifying the owner of expiration of his or her trailer license and registration.

**History.** Acts 1979, No. 671, § 13; A.S.A. 1947, § 75-253.13.

**27-14-1218. Rules and regulations.**

The Director of the Department of Finance and Administration shall promulgate such reasonable rules and regulations and prescribe such forms as are necessary for the proper enforcement of this subchapter.

**History.** Acts 1979, No. 671, §§ 21, 25; A.S.A. 1947, § 75-253.21.

**SUBCHAPTER 13 — TRUCKS AND TRAILERS**

SECTION.	SECTION.
27-14-1301. Penalty.	27-14-1305. Annual report.
27-14-1302. Load limits not affected.	27-14-1306. Commercial vehicle temporary license plates.
27-14-1303. Administration.	
27-14-1304. Rules and regulations.	

**Publisher’s Notes.** Acts 1949, No. 235, § 8, provided, in part, that Acts 1927, No. 241; Acts 1929, No. 65, § 36; Acts 1939, No. 115; Acts 1941, No. 354; Acts 1943, No. 144; Acts 1945, No. 31; Acts 1945, No. 60; Acts 1945, No. 117; Acts 1947, No. 45; and Acts 1947, No. 416 would remain in full

force and effect and were cumulative of the provisions of the act.

**Effective Dates.** Acts 1949, No. 235, § 12: Mar. 4, 1949. Emergency clause provided: “Whereas the condition of the State Highways in this State has deteriorated to such an extent that, the investment in,

and use of, highway surfaces is in danger of being lost by reason of inadequate funds with which to repair same; that such deteriorated condition constitutes a menace and danger to the people of Arkansas, and retards and hinders the economic development of this State; and that, unless additional revenues are provided, or the existing laws strengthened in their enforcement provisions, in the manner set forth in this Act, the transportation facilities of this State will suffer irreparable injury and damage, and endanger the lives and well being of the citizens of this State. An emergency is declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety, the same shall take effect and be in force from and after its passage and approval."

Acts 1975 (Extended Sess., 1976), No. 1179, § 4: Feb. 11, 1976. Emergency clause provided: "It is hereby found and determined by the Seventieth General Assembly, meeting in Extended Session, that the availability of commercial vehicle temporary tags will accrue great benefits to the citizens of the State of Arkansas and that such tags are not currently available. Now therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after the date of its passage and approval."

Acts 1979, No. 440, §§ 4, 7: July 1, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that existing highway user revenue sources do not provide for the adequate maintenance, repair, construction and reconstruction of state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order to finance adequate highway, road and street maintenance and construction programs; that

the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets is not provided; and that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July first of 1979."

Acts 1987, No. 589, § 4: Apr. 4, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that the availability of commercial vehicle temporary tags will accrue great benefits to the citizens of the State of Arkansas and that such tags are not currently available. That this Act was previously passed by the Seventieth General Assembly as Act 1179 of 1975 and was amended by Act 440 of 1979 and could possibly be subject to a constitutional challenge under the recent Supreme Court of Arkansas decision in Ricarte vs. State, 717 S.W. 2d 488 (1986). Now therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after the date of its passage and approval."

Acts 1987, No. 992, § 4: Apr. 14, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that because of the case Ricarte v. State, CR 86-31, a question has arisen over the validity of Act 1179 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

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## 27-14-1301. Penalty.

(a) Every person who violates, or who procures, aids, or abets violation of, any of the provisions of this subchapter and any person who



refuses or fails to obey any order, decision, rule, or regulation made under or pursuant to this subchapter, shall be deemed guilty of a misdemeanor.

(b) Upon conviction, violators shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000) or by imprisonment for not more than three (3) months, or by both a fine and imprisonment.

**History.** Acts 1949, No. 235, § 9; A.S.A. 1947, § 75-259.

#### **27-14-1302. Load limits not affected.**

Nothing in this subchapter shall repeal the right of the State Highway Commission to vary the load limit on any particular road at any particular time as conditions may warrant.

**History.** Acts 1949, No. 235, § 7; A.S.A. 1947, § 75-258.

#### **27-14-1303. Administration.**

The Director of the Department of Finance and Administration is authorized and directed to supply license plates to properly designate or identify the various classes of vehicles covered in this subchapter and to enforce this subchapter.

**History.** Acts 1949, No. 235, § 4; A.S.A. 1947, § 75-255.

#### **27-14-1304. Rules and regulations.**

(a)(1) The Director of the Department of Finance and Administration shall promulgate rules and regulations and prescribe forms for the proper enforcement of this subchapter.

(2) The rules, regulations, and forms shall be dated and issued under a systematic method of numbering.

(b)(1) A complete file of all rules, regulations, and forms shall be kept in the office of the director.

(2) Copies of the rules, regulations, and forms shall be made available to any person requesting them.

**History.** Acts 1949, No. 235, § 3; A.S.A. 1947, § 75-254.

#### **27-14-1305. Annual report.**

(a) Annually, on or before December 31 of each year, the Director of the Department of Finance and Administration shall make a report of his or her administration of this subchapter to the Governor.

(b) The annual report shall include, among other things, facts and statistics relating to the effect of the administration of this subchapter upon all affected thereby.

**History.** Acts 1949, No. 235, § 6; A.S.A. 1947, § 75-257.

### 27-14-1306. Commercial vehicle temporary license plates.

(a)(1) The Chief Fiscal Officer of the State is authorized to design and issue commercial vehicle temporary license plates for use in cases where commercial operators desire to operate temporarily in this state for a period not to exceed seventy-two (72) hours.

(2) These license plates shall not be valid in any event for more than seventy-two (72) hours.

(3) These license plates shall be issued for a fee of thirty-three dollars (\$33.00).

(4) These license plates may be issued for a single unit of a tractor-trailer combination.

(b) The Chief Fiscal Officer of the State is authorized to promulgate such rules and regulations as he or she deems necessary for the proper enforcement of this section.

(c) This section is in no respect to be considered as a repeal of any of the motor vehicle laws already in effect, specifically §§ 27-14-1804 — 27-14-1806 and 27-14-2102. This section shall be construed as supplementary thereto.

**History.** Acts 1975 (Extended Sess., 1976), No. 1179, §§ 1-3; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-293 — 75-293.2; reen. Acts 1987, No. 589, §§ 1-3; reen. 1987, No. 992, §§ 1-3.

**A.C.R.C. Notes.** This section was reenacted by Acts 1987, No. 589, §§ 1-3 and Acts 1987, No. 992, §§ 1-3. Acts 1987, No. 834, provided that 1987 legislation reen-

acting acts passed in the 1976 Extended Session should not repeal any other 1987 legislation and that such other legislation would be controlling in the event of conflict.

**Cross References.** Drive-out tags for nonresidents, § 27-14-2102.

Vehicles in transit to dealers, § 27-14-1801 et seq.

## SUBCHAPTER 14 — BUSES

### SECTION.

27-14-1401. Fees for registration and licensing of interstate motor buses.

27-14-1402. Municipally franchised buses.

### SECTION.

27-14-1403. Community or farm-to-market buses.

27-14-1404. School buses owned by licensed facilities.

**Cross References.** Buses converted to or equipped as campers, § 27-15-4001.

**Preambles.** Acts 1939, No. 115 contained a preamble which read: "Whereas, it has become necessary for persons and

companies operating streetcars in some of the cities and towns to replace the streetcars with motor buses in order to provide an adequate and necessary service, and in the future it will be required of such

persons and companies to convert other streetcar lines into motor bus lines, in order to continue the operation of such transportation systems under their franchise; and

"Whereas, such persons and companies should pay a reasonable fee for the operation of such buses in lieu of streetcars which did not pay a license fee to the state; and

"Whereas, other motor vehicles pay a license fee to the state;

"Therefore ... "

**Effective Dates.** Acts 1939, No. 115, § 3: Feb. 22, 1939. Emergency clause provided: "It is recognized that in cities and towns adequate transportation systems are necessary for the accommodation of the public, and because of such necessities an emergency is declared to exist and this act being necessary for the immediate preservation of the public health, peace and safety shall take effect and be in full force and effect from and after its passage and approval."

Acts 1941, No. 354, § 3: Mar. 26, 1941. Emergency clause provided: "The license fees now being charged for community or farm-to-market buses in this State being practically prohibitive, and the operation of the said community or farm-to-market buses being of great convenience to the rural people of this State, and being necessary for their comfort and health, an emergency is hereby declared to exist and this act shall be in force and effect from and after its passage and approval."

Acts 1963, No. 548, § 3: Mar. 29, 1963. Emergency clause provided: "It is hereby found that economical mass transporta-

tion for the general public is essential to the public welfare, that the owners and/or operators of motor buses on designated streets according to regular schedules, under franchise from municipalities in this state, are in dire financial circumstances, thereby jeopardizing the efficient and economical mass transportation of the public; and that an emergency therefore is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1979, No. 440, §§ 4, 7: July 1, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that existing highway user revenue sources do not provide for the adequate maintenance, repair, construction and reconstruction of state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order to finance adequate highway, road and street maintenance and construction programs; that the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets is not provided; and that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July first of 1979."

## 27-14-1401. Fees for registration and licensing of interstate motor buses.

(a) The provisions of § 27-14-601 shall govern the fees for the registration and licensing of interstate motor buses.

(b) For the purpose of determining the registration and licensing fees, an interstate motor bus shall be considered a motor truck.

**History.** Acts 1957, No. 206, § 1; A.S.A. 1947, § 75-276; Acts 1993, No. 404, § 1.



**27-14-1402. Municipally franchised buses.**

Where motor buses are operated on designated streets according to regular schedules, under franchise from any municipality in this state, the owners or operators of the motor buses shall pay to the state an annual motor vehicle and license fee of twenty dollars (\$20.00) for each motor bus so operated.

**History.** Acts 1939, No. 115, § 1; 1963, No. 548, § 1; 1979, No. 440, § 2; A.S.A. 1947, § 75-206.

**CASE NOTES****Trackless Trolleys.**

Trackless trolleys are within the taxing provisions of this section. *Morley v. Capi-*

*tol Transp. Co.*, 217 Ark. 583, 232 S.W.2d 641 (1950).

**27-14-1403. Community or farm-to-market buses.**

(a) As used in this section, "community or farm-to-market bus" means any bus operating under and by authority of the Arkansas State Highway and Transportation Department which is privileged to operate as a common carrier for hire within the State of Arkansas and which has a home office that is domiciled within this state, and where the privilege does not extend beyond the territory of fifty (50) miles for any operation, shall be termed a "community or farm-to-market bus".

(b) The annual license fee to be collected from the owners of community or farm-to-market buses operating under authority of the department for hire, whose operations do not extend beyond fifty (50) miles, shall be the sum of one hundred thirty dollars (\$130).

**History.** Acts 1941, No. 354, §§ 1, 2; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-209, 75-210.

**27-14-1404. School buses owned by licensed facilities.**

(a) School buses owned by facilities licensed by the Department of Human Services shall not be subject to the registration and licensing fees prescribed by law.

(b) The only fee for their licenses shall be a one dollar (\$1.00) annual renewal fee.

(c) The original license application and all renewals shall be accompanied by an affidavit signed by an official of the facility, indicating that the buses for which licenses are requested are either owned or exclusively leased by the facility and used exclusively in its functions.

**History.** Acts 1981, No. 441, § 1; A.S.A. 1947, § 75-201.18.

SUBCHAPTER 15 — TAXICABS

SECTION.	ies and towns separated by state line.
27-14-1501. Liability insurance prerequisite to licensing.	
27-14-1502. Operations in adjoining cit-	

**Effective Dates.** Acts 1939, No. 177, § 2: became law without Governor's signature, Mar. 6, 1939. Emergency clause provided: "It being ascertained and hereby declared that in certain cities subject to the provisions of this act the state, under existing laws for the collection of motor vehicle fuel tax, is being deprived of revenues that would otherwise be collected, and that immediate operation of this act is essential, an emergency is therefore declared to exist and this Act shall take effect and be in full force from and after its passage and approval."

Acts 1989, No. 689, § 4: Mar. 20, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that this act is necessary to correct a possible misconstruction of the law and to insurance continued taxicab service in Arkansas since the cost of insurance is driving operators out of business. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

27-14-1501. Liability insurance prerequisite to licensing.

- (a) No license shall be issued for any taxicab, automobile, or similar vehicle used for hire, nor shall these vehicles be operated or used in and upon the streets, roads, and highways of the State of Arkansas, within or without the corporate limits of any city or village, for the purpose of carrying passengers for hire unless there shall have been filed with the Director of the Department of Finance and Administration a liability contract of insurance, or certificates of insurance, issued to the owner of the vehicle, which shall be substantially in the form of the standard automobile liability insurance policy in customary use, to be approved by the director, and issued by an insurance company licensed to do business in the State of Arkansas.
- (b) The policy shall secure payment in accordance with the provisions thereof to any person except employees or joint venturers of the owner for personal injuries to that person and for any damage to property except property owned by, rented to, leased to, in charge of, or transported by the owner, other than baggage of passengers, caused by the operation of a taxicab, automobile, or similar vehicle used for hire for at least the minimum amounts prescribed for liability insurance under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.
- (c)(1) In lieu of such policy of insurance, an owner may file a bond by some solvent surety company licensed to do business in this state or may file a bond by suitable collateral.
- (2)(A) The bond or collateral shall be in the form approved by the director and shall be conditioned for the payment of property damage and personal injuries and shall be in an amount no less than fifty

thousand dollars (\$50,000) for all claims for the operator's fleet, and uninsured motorist coverage shall not be required of such operators.

(B) If the bond or collateral becomes insufficient because of claims or any other reason, the operator shall have seven (7) days to restore it to the full amount or lose its bonded status.

(d) In lieu of such policy of insurance or bond, an owner may provide self-insurance as authorized under § 27-19-107.

(e)(1) No policy of insurance may be cancelled by the licensee or by the insurance carrier unless written notice of the cancellation shall have been mailed to the director.

(2) The written notice shall state the exact time and date of cancellation to be not less than seven (7) days from the date of mailing.

(3) The mailing of notice shall be sufficient proof of notice, and the effective date of cancellation stated in the notice shall become the end of the policy period.

(f) Any individual or corporation engaged in the operation of a taxicab, etc., as a common carrier of passengers for hire who violates this section or who procures, aids, or abets any individual or corporation in violating this section shall, upon conviction, be guilty of a Class B misdemeanor.

(g)(1) Notwithstanding any other provision of state law, any municipality in a county with a population in excess of two hundred thousand (200,000) that requires a franchise for taxicabs to operate within the corporate limits of the municipality may impose any insurance requirements desired by the municipality that shall be applicable to any taxicab that operates within the municipality.

(2) If a municipality imposes such insurance requirements on its taxicabs, it shall be unlawful for any taxicab operator to operate a taxicab within the corporate limits of that municipality without meeting such insurance requirements. Any person found guilty or who pleads guilty or nolo contendere to a charge of violating this subsection shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(3) In addition to penalties that may be assessed against the taxicab operator, if the taxicab owner is a different person or entity, the owner shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(4) A municipality may, by ordinance, declare that an uninsured taxicab shall be subject to seizure and that a seized taxicab shall not be released until such insurance is in place.

**History.** Acts 1949, No. 485, §§ 1-3; 1989, No. 689, § 1; 1997, No. 1223, § 1; 1961, No. 473, § 1; 1985, No. 969, § 1; 2003, No. 1152, §§ 1, 2. A.S.A. 1947, §§ 75-203 — 75-205; Acts



## CASE NOTES

## ANALYSIS

Construction.

Bond.

Liability of Insurer.

Uninsured Motorists.

**Construction.**

This section is not superseded or repealed by the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq. *Yarbrough v. Checker Cab Co.*, 256 Ark. 314, 507 S.W.2d 105 (1974).

**Bond.**

This section requires one bond of \$50,000 for each taxicab owner operating in this state, not a \$50,000 bond on each taxicab. *Commissioner of Revenue v. Black & White Cab Co.*, 290 Ark. 575, 720 S.W.2d 911 (1986).

**Liability of Insurer.**

Requirement that operator of taxicab have a standard automobile liability policy of insurance before a license can be issued for operation of taxicab does not prevent insurer from denying liability on judgment secured by injured party against insured where latter fails to give insurer notice of proceeding. *Warren v. Commercial Std. Ins. Co.*, 219 Ark. 744, 244 S.W.2d 488 (1951).

**Uninsured Motorists.**

A taxicab owner operating unlawfully without fleet liability insurance became an uninsured motorist despite purported "self-insurer" status under § 27-19-107. *Yarbrough v. Checker Cab Co.*, 256 Ark. 314, 507 S.W.2d 105 (1974).

**27-14-1502. Operations in adjoining cities and towns separated by state line.**

(a) Where any person, firm, or corporation is engaged in a general taxicab business of transporting persons for hire in adjoining cities and incorporated towns which are separated by a state line, where the motor vehicles or taxicabs are operated in this state under a franchise contract or permit with the Arkansas city or town, where the motor vehicles or taxicabs are not operated on any of the roads or highways in this state outside of the corporate limits of the city or town, and where the motor vehicles or taxicabs shall pay to this state motor vehicle fuel tax, at the applicable rate as fixed by the law of this state, upon all of the motor vehicle fuel used in the operation of the motor vehicles or taxicabs, then the fee to be paid to this state for the registration and licensing of any motor vehicle or taxicab so used by any person, firm, or corporation shall not exceed the fee provided by law in the adjoining state for the motor vehicle or taxicab.

(b) This section shall not apply to motor buses being operated in lieu of a streetcar system in adjoining cities or incorporated towns which are separated by a state line.

**History.** Acts 1939, No. 177, § 1; A.S.A. 1947, § 75-202.

**SUBCHAPTER 16 — MANUFACTURED HOMES AND MOBILE HOMES**

## SECTION.

27-14-1601. Definitions.

27-14-1602. Registration — Fee.

## SECTION.

27-14-1603. Cancellation of title.

**Effective Dates.** Acts 1979, No. 440, §§ 4, 7: July 1, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that existing highway user revenue sources do not provide for the adequate maintenance, repair, construction and reconstruction of state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order to finance adequate highway, road and street maintenance and construction pro-

grams; that the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets is not provided; and that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July first of 1979."

## 27-14-1601. Definitions.

As used in this subchapter:

(1) "Manufactured home" means a dwelling unit constructed in a factory in accordance with the federal Manufactured Home Construction and Safety Standards Act; and

(2) "Mobile home" means a dwelling unit built in a factory prior to the enactment of the federal Manufactured Home Construction and Safety Standards Act.

**History.** Acts 1973, No. 176, § 1; A.S.A. 1947, § 75-132.2; Acts 2001, No. 1118, § 1; 2005, No. 1991, § 6.

**Amendments.** The 2005 amendment deleted "and capable of being delivered to a site for use as living quarters" at the end of (1); and rewrote (2).

**U.S. Code.** The Manufactured Home Construction and Safety Standards Act, referred to in this section, is codified as 42 U.S.C. § 5401 et seq.

## CASE NOTES

**Cited:** In re Frontier Mobile Home Sales, Inc., 635 F.2d 726 (8th Cir. 1980).

## 27-14-1602. Registration — Fee.

(a) An owner of a manufactured home or a mobile home shall be permitted to register the manufactured home or mobile home with the Office of Motor Vehicle for the purpose of receiving a certificate of title to the home or for any other purpose.

(b) The registration shall be issued upon the payment of a fee of twenty-six dollars (\$26.00).

**History.** Acts 1973, No. 176, § 2; 1979, No. 440, § 2; A.S.A. 1947, § 75-132.1; Acts 2001, No. 1118, § 2; 2005, No. 1991, § 7.

**Amendments.** The 2005 amendment

substituted "register" for "license" in (a); and, in (b), substituted "registration" for "license" and deleted "and shall be valid for one (1) year from the date of registration" at the end.

CASE NOTES

**Cited:** Rex Fin. Corp. v. Marshall, 406 F. Supp. 567 (W.D. Ark. 1976).

27-14-1603. Cancellation of title.

- (a) If a manufactured home or a mobile home is to be affixed to real estate, the manufacturer’s certificate or the original document of title may be surrendered to the Department of Finance and Administration for cancellation.
- (b)(1) The Director of the Department of Finance and Administration may require the filing of pertinent information for the cancellation of manufactured home titles or mobile home titles.

(2) The director shall have the authority to promulgate rules and regulations to establish a procedure for the cancellation of manufactured home titles or mobile home titles.

**History.** Acts 2001, No. 1118, § 3; 2005, No. 1991, § 3. inserted “or a mobile home” in (a); and inserted “titles or mobile home titles” in (b)(1) and (2).

**Amendments.** The 2005 amendment

SUBCHAPTER 17 — PLATES FOR MANUFACTURERS, TRANSPORTERS, AND DEALERS

SECTION.	SECTION.
27-14-1701. Operation of vehicles under special plates.	27-14-1705. Temporary cardboard buyer’s tags.
27-14-1702. Application for and issuance of certificates and special plates.	27-14-1706. Vehicles provided for purposes of demonstration or for repair customers.
27-14-1703. Expiration of special plates.	27-14-1707. Authority to promulgate rules.
27-14-1704. Dealer’s extra license plates.	

**Effective Dates.** Acts 2005, No. 1929, § 6: effective Jan. 1, 2006.

27-14-1701. Operation of vehicles under special plates.

- (a) A manufacturer or dealer owning any vehicle of a type otherwise required to be registered under this chapter may operate or move it upon the highways solely for purposes of transporting it without registering each vehicle, upon condition that any such vehicle display a special plate or temporary cardboard tag issued to the owner as provided in this subchapter.
- (b) A transporter may operate or move any vehicle of like type upon the highways solely for the purpose of delivery, upon displaying a special plate issued to him or her as provided in this subchapter.



(c) The provisions of this subchapter shall not apply to work or service vehicles owned by a manufacturer, transporter, or dealer.

(d) The Director of the Department of Finance and Administration shall provide the specifications, form, and color of the special temporary cardboard tag required under this section.

(e) In addition to any other penalty prescribed by this chapter, any dealer, manager, sales manager, or salesperson of the dealer, or manufacturer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a special temporary cardboard tag issued under this section, or of allowing anyone else to misuse a special temporary cardboard tag shall be fined not more than two hundred fifty dollars (\$250) for the first offense, not more than five hundred dollars (\$500) for the second offense, and not more than one thousand dollars (\$1,000) for the third and subsequent offenses.

**History.** Acts 1949, No. 142, § 62; A.S.A. 1947, § 75-162; Acts 2005, No. 1929, § 2.

**Amendments.** The 2005 amendment added (d) and (e); in (a), deleted “testing, demonstrating, or selling” following “transporting” and “in the manner prescribed by § 27-14-716” following “vehicle

display,” and inserted “or temporary cardboard tag” following “special plate”; and in (b) deleted “likewise” preceding “displaying” and substituted “special” for “similar” preceding “plate.”

**Effective Dates.** Acts 2005, No. 1929, § 6: effective Jan. 1, 2006.

## **27-14-1702. Application for and issuance of certificates and special plates.**

(a) Any manufacturer, transporter, or dealer may make application to the Office of Motor Vehicle, upon the appropriate form, for a certificate containing a general distinguishing number and for one (1) or more pairs of special plates, single special plates, or special temporary cardboard tags, as appropriate, subject to §§ 27-14-1701 and 27-14-1704, to various types of vehicles subject to registration under this chapter. The applicant shall also submit proof of his or her status as a bona fide manufacturer, transporter, or dealer, as may reasonably be required by the office.

(b) The office, upon granting any such application, shall issue to the applicant a certificate containing the applicant’s name and address and the general distinguishing number assigned to the applicant.

(c)(1) The office shall also issue a special plate, plates, or special temporary cardboard tags as applied for, which shall have displayed thereon the general distinguishing number assigned to the applicant.

(2) Each plate, pair of plates, or special temporary cardboard tags so issued shall also contain a number or symbol identifying it or them from every other plate, pair of plates, or special temporary cardboard tags bearing the same general distinguishing number.

**History.** Acts 1949, No. 142, § 63; A.S.A. 1947, § 75-163; Acts 2005, No. 1929, § 3.

**Amendments.** The 2005 amendment

inserted “or special temporary cardboard tags” throughout the section, and made related changes; and inserted “subject to §§ 27-14-1701 and 27-14-1704” in (a).

**Effective Dates.** Acts 2005, No. 1929,  
§ 6: effective Jan. 1, 2006.

### **27-14-1703. Expiration of special plates.**

(a)(1) Every special plate issued under this subchapter shall expire at 12:00 midnight on December 31 of each year unless the Commissioner of Motor Vehicles provides by rule a staggered method of annual expiration.

(2) A new plate for the ensuing year may be obtained by the person to whom any such expired plate was issued, upon application to the Office of Motor Vehicle and payment of the fee provided by law.

(b) In lieu of providing a new special plate upon the expiration of the special plate issued under this subchapter, the commissioner may by rule provide for the issuance of permanent special plates that are renewed using an alternate method.

**History.** Acts 1949, No. 142, § 64;  
A.S.A. 1947, § 75-164; Acts 2005, No. 661,  
§ 1.

**Amendments.** The 2005 amendment  
inserted the subdivision designations in

(a) and made related changes; inserted  
“unless the Commissioner of Motor Ve-  
hicles provides by rule a staggered  
method of annual expiration” in (a)(1);  
and added (b).

### **27-14-1704. Dealer’s extra license plates.**

(a) Each dealer as defined in § 27-14-601(a)(6) shall furnish the Director of the Department of Finance and Administration with a list of each manager, sales manager, and salesperson authorized to operate a motor vehicle to which a dealer’s extra license plate issued to the dealer has been or will be attached:

(1) Upon initial application for dealer’s extra license plates as provided in § 27-14-1702; and

(2) Upon renewal of dealer’s extra license plates as provided in § 27-14-1703.

(b) The dealer’s extra license plate may be used only by the dealer, manager, or salesperson of the dealer and only for the following purposes:

(1) To drive to and from work;

(2) For business or personal trips inside or outside the dealer’s county of residence;

(3) To transport the vehicle; or

(4) To demonstrate the vehicle.

(c) Neither the dealer’s extra license plate issued under this section nor the dealer’s master plate issued under § 27-14-601(a)(6) shall be used for purposes of allowing a prospective buyer to test drive a vehicle unless the dealer, manager, or salesperson of the dealer is present in the vehicle.

(d) In addition to any other penalty prescribed by this chapter, any dealer, manager, salesperson, or employee of a dealer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a dealer’s extra license plate or dealer’s master plate or of allowing anyone else to



misuse a dealer's extra license plate or dealer's master plate shall be fined not more than two hundred fifty dollars (\$250) for the first offense, not more than five hundred dollars (\$500) for the second offense, and not more than one thousand dollars (\$1,000) for the third and subsequent offenses.

**History.** Acts 2005, No. 1929, § 4.

**Effective Dates.** Acts 2005, No. 1929,  
§ 6: effective Jan. 1, 2006.

### **27-14-1705. Temporary cardboard buyer's tags.**

(a) A dealer shall issue to a person who buys an unregistered vehicle one (1) temporary cardboard buyer's tag for the vehicle.

(b)(1) The temporary cardboard buyer's tag is valid for the operation of the vehicle until the earlier of:

(A) The date on which the vehicle is registered; or

(B) The thirtieth day after the date of purchase.

(2) If the date that a transferee of a motor vehicle must register the vehicle is extended under § 27-14-903(a)(1), the dealer may issue one (1) additional temporary cardboard buyer's tag to the transferee, to expire thirty (30) days from the date that the additional temporary cardboard buyer's tag was issued.

(c)(1) The dealer shall show in ink on the temporary cardboard buyer's tag the actual date of sale and any other information required by the Director of the Department of Finance and Administration.

(2) The dealer shall be responsible for affixing the temporary cardboard buyer's tag to the vehicle as provided in this section.

(d) The temporary cardboard buyer's tag under this section shall be placed at the location provided for the permanent motor vehicle license plate.

(e) The dealer is responsible for the safekeeping and distribution of each temporary cardboard buyer's tag that the dealer obtains from the director.

(f) The director shall provide the specifications, form, and color of the temporary cardboard buyer's tag.

(g)(1)(A) The dealer shall be responsible for paying to the director a fee to be set by the director, which shall not exceed one dollar (\$1.00), for each temporary cardboard buyer's tag. The dealer shall pass this fee on to the buyer to whom the tag was issued.

(B) The fee shall be collected by the director before issuance of the temporary cardboard buyer's tag to the dealer.

(C) No dealer shall be allowed to charge a customer a fee for a temporary cardboard buyer's tag higher than that charged to the dealer by the director.

(2) The gross receipts or gross proceeds derived from the sale or issuance of temporary cardboard buyer's tags under this section shall be exempt from the Arkansas gross receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., and the Arkansas



compensating use tax levied by the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and any other state or local tax administered under those chapters.

(3) All fees collected by the director under this section shall be deposited into the State Treasury, and the Treasurer of State shall credit them as general revenues to the General Revenue Fund Account of the State Apportionment Fund.

(h) For each temporary cardboard buyer's tag provided to a buyer by the dealer, the dealer shall retain documentation containing:

- (1) The dealer's name;
- (2) The buyer's name;
- (3) The date the temporary cardboard buyer's tag was issued;
- (4) The vehicle's vehicle identification number;
- (5) The make and model of the vehicle; and
- (6) The expiration date of the temporary cardboard buyer's tag.

(i) Any dealer, manager, salesperson, or employee of the dealer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a temporary cardboard buyer's tag or of allowing anyone else to misuse a temporary cardboard buyer's tag shall be fined not more than two hundred fifty dollars (\$250) for the first offense, not more than five hundred dollars (\$500) for the second offense, and not more than one thousand dollars (\$1,000) for the third and subsequent offenses.

(j) This section shall not apply to an owner or lessee of a registered motor vehicle who elects to display a license plate on a replacement motor vehicle under § 27-14-902(a)(3)(B).

**History.** Acts 2005, No. 1929, § 4.

**Effective Dates.** Acts 2005, No. 1929,  
§ 6: effective Jan. 1, 2006.

## **27-14-1706. Vehicles provided for purposes of demonstration or for repair customers.**

(a) A dealer may allow a prospective buyer or customer to drive an unregistered vehicle:

(1) To demonstrate or to allow a prospective buyer to test drive the vehicle for sale purposes for a period not to exceed seventy-two (72) hours; or

(2) As a loaner vehicle for a customer while the customer's vehicle is being repaired in the dealer's shop for a period not to exceed fourteen (14) calendar days.

(b)(1)(A) The dealer shall issue to the prospective buyer or customer one (1) temporary cardboard tag for the vehicle to be placed at the location provided for the permanent motor vehicle license plate.

(B) The Director of the Department of Finance and Administration shall provide the specifications, form, and color of the temporary cardboard tag.

(2) If the date on which the prospective buyer or customer is required to return the vehicle to the dealer falls on Saturday, Sunday, or a legal

holiday on which the dealer is not open for business, then the prospective buyer or customer will have until the next succeeding business day that is not a Saturday, Sunday, or legal holiday to return the vehicle and still be in compliance with this section.

(c)(1) When a dealer provides an unregistered vehicle to a prospective buyer or customer under this section, the dealer shall complete and keep in his or her possession an information sheet containing:

- (A) The year, make, and model of the vehicle;
- (B) The vehicle identification number;
- (C) The prospective buyer's or customer's name;
- (D) The time and date that the temporary cardboard tag was issued to the prospective buyer or customer;
- (E) The reason the vehicle was furnished to the prospective buyer or customer; and
- (F) The length of time the prospective buyer or customer may retain the vehicle.

(2)(A) The director shall provide the specifications, form, and color of the information sheet to be used by dealers under this subsection.

(B) Information sheets retained by the dealer under this subsection are subject to examination by the director at any reasonable time.

(d)(1) A temporary cardboard tag is not required if the prospective buyer or customer is required to return the vehicle before the end of the business day upon which the vehicle was provided to the prospective buyer or customer, and it shall not be unlawful for a prospective buyer or customer to test drive an unregistered vehicle in the manner provided in this subsection.

(2) A dealer may, at the dealer's option, provide a prospective buyer or customer as described in this subsection with a test drive or loaner information sheet for purposes of verifying that the vehicle is being driven with the permission of the dealer.

(3) The director shall design the test drive or loaner information sheet to be used by dealers under this subsection and shall make this information sheet available at all state revenue offices and on the website of the Department of Finance and Administration.

(4) A dealer shall be allowed to make and use photocopies of the test drive or loaner information sheet designed by the department in lieu of the original provided by the department.

(e) Any dealer who violates this section shall be fined the amount of twenty-five dollars (\$25.00) per violation.

**History.** Acts 2005, No. 1929, § 4.

**Effective Dates.** Acts 2005, No. 1929,

§ 6: effective Jan. 1, 2006.

**27-14-1707. Authority to promulgate rules.**

In addition to the authority provided in § 27-14-403, the Director of the Department of Finance and Administration may promulgate, adopt, and enforce such rules as may be necessary to carry out this subchapter.

**History.** Acts 2005, No. 1929, § 4.

**Effective Dates.** Acts 2005, No. 1929,  
§ 6: effective Jan. 1, 2006.

**SUBCHAPTER 18 — VEHICLES IN TRANSIT TO DEALERS**

## SECTION.

27-14-1801. Penalty.

27-14-1802. Construction.

27-14-1803. Applicability.

27-14-1804. Nonapplicable if regular  
plates used.

## SECTION.

27-14-1805. Use of "IN TRANSIT" placards.

27-14-1806. Metal transporter plate.

27-14-1807. Disposition of fees.

27-14-1808. Rules and regulations.

**Effective Dates.** Acts 1935, No. 183, § 8: approved Mar. 22, 1935. Emergency clause provided: "On account of the fact that at the present time no provision exists in our law for regulating and taxing motor vehicles in transit, and on account of the depleted condition of the State Highway Fund, an emergency is hereby declared to exist and this act shall become effective immediately upon its passage."

Acts 1938 (Ex. Sess.), No. 9, § 5: approved Apr. 1, 1938. Emergency clause provided: "Due to the fact that the present law does not fix an adequate fee for regulating and taxing motor vehicles in transit, and on account of the necessity of increased revenues of the State Highway funds to enable the State to pay the bonds of Bridge Improvement Districts and place said Bridge Improvement Districts on a parity with toll bridges which the State proposes to make free from tolls, an emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage."

Acts 1951, No. 31, § 6: approved Jan. 31, 1951. Emergency clause provided: "It has been found and is hereby declared by the General Assembly of the State of Arkansas: (1) that traffic accidents resulting in injuries and deaths to persons and damages to property are increasing at an alarming rate, due in part to increased use of the highways; (2) that present appropriations and revenues for employ-

ment of personnel in the Department of Arkansas State Police are wholly inadequate to properly handle the problem of highway safety; and (3) that only the provisions of this act will provide funds in amounts sufficient to employ the necessary personnel to patrol the highways and thereby reduce the incidence of highway accidents. Therefore, an emergency is hereby declared to exist, and this act being necessary for the preservation of public peace, health and safety shall take effect and be in full force from and after its passage."

Acts 1965, No. 493, § 10: Mar. 20, 1965. Emergency clause provided: "It has been found and is hereby declared by the General Assembly of the State of Arkansas: (a) that traffic accidents resulting in injuries and deaths of persons and damages to property are increasing at an alarming rate; (b) that present revenues for employment of personnel in the Department of Arkansas State Police are wholly inadequate to properly handle the problem of highway safety; and (c) that only the provisions of this act will tend to provide funds in amounts sufficient to employ the necessary personnel to patrol the highways and thereby reduce the incidence of highway accidents. Therefore an emergency is hereby declared to exist, and this act being necessary for the preservation of public peace, health and safety shall take effect and be in full force on and after its passage and approval."



**27-14-1801. Penalty.**

(a) It shall be unlawful for any person to display a placard except as provided in this subchapter.

(b) Any person who violates any of the provisions of this subchapter or any of the rules and regulations promulgated in this subchapter shall be deemed guilty of a misdemeanor and fined in any sum not less than twenty-five dollars (\$25.00).

**History.** Acts 1935, No. 183, § 6; Pope's Dig., § 6626; A.S.A. 1947, § 75-234.

**27-14-1802. Construction.**

This subchapter shall be construed to be cumulative to the existing laws and shall not be construed to exempt any motor vehicle being operated for hire or by an individual purchaser, the object of this subchapter being to regulate and tax only motor vehicles in transit from a manufacturer to a dealer, or from one dealer to another.

**History.** Acts 1935, No. 183, § 3; Pope's Dig., § 6623; A.S.A. 1947, § 75-231.

**27-14-1803. Applicability.**

(a) This subchapter shall apply to all motor vehicles operated on the highways of this state which are in transit from a manufacturer to a dealer or from one (1) dealer to another, whether the vehicles are driven or towed.

(b) Nothing in this subchapter shall be construed to exempt trucks or trailers hauling cars for delivery, except in case the truck or trailer is also in transit for delivery.

**History.** Acts 1935, No. 183, §§ 2, 4; Pope's Dig., §§ 6622, 6624; A.S.A. 1947, §§ 75-230, 75-232.

**27-14-1804. Nonapplicable if regular plates used.**

This subchapter shall not apply to any person, firm, or corporation engaged in towing or driving motor vehicles on the public highways of this state where the motor vehicles display bona fide license or dealer's license plates issued by the Director of the Department of Finance and Administration.

**History.** Acts 1935, No. 183, § 1; 1938 (Ex. Sess.), No. 9, § 1; 1959, No. 65, § 1; A.S.A. 1947, § 75-229.

**27-14-1805. Use of "IN TRANSIT" placards.**

(a)(1) Motor vehicles and trailers in the course of delivery from a manufacturer to a dealer, or from one (1) dealer to another, may be operated on the highways without license number plates being attached, if they display, on the rear, a placard issued by the Director of the Department of Finance and Administration, bearing the words "IN TRANSIT", the registration number, the time and date the placard was issued, and the genuine signature of the director, or his or her agent.

(2) The letters and figures shall be of such size and type to meet the requirements of the director.

(b)(1) The fee for the registration of these vehicles shall be three dollars (\$3.00) for each placard.

(2) The fee shall be collected by the director before issuance of the placard.

(c)(1) All placards issued under the provisions of this subchapter shall permit operation of motor vehicles on the highways of this state for a period not exceeding forty-eight (48) hours.

(2) The placard shall be good for one (1) trip only.

**History.** Acts 1935, No. 183, § 1; Pope's § 1; 1959, No. 65, § 1; A.S.A. 1947, § 75-Dig., § 6621; Acts 1938 (Ex. Sess.), No. 9, 229.

**27-14-1806. Metal transporter plate.**

(a)(1) Any person, firm, or corporation, other than an automobile dealer, who is regularly engaged in the business of driving or towing motor vehicles or trailers as defined in § 27-14-1805, upon the payment of a fee of thirty dollars (\$30.00), may be issued an annual metal transporter plate by the Director of the Department of Finance and Administration.

(2) This metal plate shall not expire until December 31 of the calendar year in which it is purchased.

(3) The plate shall be attached to the rear of any vehicle being operated by the licensee in conformity with this subchapter.

(b)(1) The fee for this annual transporter plate shall not be reduced but shall remain at thirty dollars (\$30.00).

(2) If this annual transporter plate is lost by the licensee, it must be replaced by an original annual transporter plate for a fee of thirty dollars (\$30.00).

**History.** Acts 1935, No. 183, § 1; 1938 (Ex. Sess.), No. 9, § 1; 1959, No. 65, § 1; A.S.A. 1947, § 75-229.

**27-14-1807. Disposition of fees.**

All fees collected under the provisions of this subchapter shall be deposited into the State Treasury as special revenues, and the net amount thereof shall be credited to the Department of Arkansas State

Police Fund, there to be used for the operation, maintenance, and improvement of the Department of Arkansas State Police.

**History.** Acts 1935, No. 183, § 7; Pope's Dig., § 6627; Acts 1938 (Ex. Sess.), No. 9, § 2; 1949, No. 5, § 16; 1951, No. 31, § 3; 1961, No. 68, § 18; 1965, No. 493, § 5; A.S.A. 1947, § 75-235.

CASE NOTES

**Use of Revenue.**

Revenue arising under this subchapter, being not included by any express language in the provisions of the law for refunding highway and toll bridge obligations of the state, was available, to the extent of any unimpaired balance collected during year, for the payment of warrants to which any bridge district was legally entitled. *Sebastian Bridge Dist. v. State Refunding Bd.*, 197 Ark. 790, 124 S.W.2d 960 (1939).

**27-14-1808. Rules and regulations.**

The Director of the Department of Finance and Administration is authorized to promulgate such rules and regulations as he or she deems necessary for the proper enforcement of this subchapter.

**History.** Acts 1935, No. 183, § 5; Pope's Dig., § 6625; A.S.A. 1947, § 75-233.

**SUBCHAPTER 19 — TRANSPORTING OF MOTOR HOMES BY MANUFACTURERS**

SECTION.

27-14-1901. Definition.  
27-14-1902. Application for license.  
27-14-1903. Fees.

SECTION.

27-14-1904. Design of plates.  
27-14-1905. Rules and regulations.

**Effective Dates.** Acts 1973, No. 503, § 5; Mar. 29, 1973. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the laws of this State are unclear as to the method of licensing motor homes for the purpose of transporting such motor homes from the manufacturer to the dealers, distributors, or consumers and that an orderly system of such licensing is necessary to promote a more efficient manner of in-transit motor home licensing as well as to promote highway safety. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1979, No. 440, §§ 4, 7; July 1, 1979. Emergency clause provided: "It is hereby found and determined by the Gen-

eral Assembly that existing highway user revenue sources do not provide for the adequate maintenance, repair, construction and reconstruction of state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order to finance adequate highway, road and street maintenance and construction programs; that the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets is not provided; and that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall



be in full force and effect on and after July first of 1979.”

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### **27-14-1901. Definition.**

As used in this subchapter, “manufacturer” means any person, firm, or corporation engaged in manufacturing or assembling motor homes at or from an established place of business within this state.

**History.** Acts 1973, No. 503, § 2; A.S.A. 1947, § 75-292.1.

### **27-14-1902. Application for license.**

(a)(1) Any person, firm, or corporation engaged in the business of manufacturing motor homes in this state shall apply for a motor home manufacturers’ license for the sole purpose of delivering or transporting the manufacturers’ motor homes on the public highways and streets of this state from the manufacturer to a distributor or from the manufacturer to a dealer or from the manufacturer to a consumer.

(2) All applications for manufacturers’ master license plates shall be made to the Office of Motor Vehicle.

(b) Both manufacturers’ master license plates and manufacturers’ extra plates shall expire annually on December 31, and applications for renewal shall be made between January 1 and January 31 of the succeeding year.

**History.** Acts 1973, No. 503, §§ 1, 3; A.S.A. 1947, §§ 75-292, 75-292.2.

### **27-14-1903. Fees.**

(a) There shall be paid a fee of ninety-eight dollars (\$98.00) for a manufacturers’ master license plate and a fee of thirteen dollars (\$13.00) for each additional manufacturers’ extra plate.

(b) The fees for the manufacturers’ master license plate and manufacturers’ extra license plates provided for in this section shall not be reduced during the calendar year.

**History.** Acts 1973, No. 503, §§ 1, 3; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-292, 75-292.2.

### **27-14-1904. Design of plates.**

Manufacturers’ master license plates shall be of such form and design as prescribed by the Director of the Department of Finance and Administration.

**History.** Acts 1973, No. 503, § 3; A.S.A. 1947, § 75-292.2.

## **27-14-1905. Rules and regulations.**

The Director of the Department of Finance and Administration is authorized to promulgate rules and regulations consistent with the provisions of this subchapter.

**History.** Acts 1973, No. 503, § 4; A.S.A. 1947, § 75-292.3.

## **SUBCHAPTER 20 — LICENSING OF DEALERS AND WRECKERS**

### **SECTION.**

27-14-2001. License required.

27-14-2002. Issuance of license certificate.

### **SECTION.**

27-14-2003. Records to be maintained.

## **27-14-2001. License required.**

(a) No person, unless licensed to do so by the Office of Motor Vehicle under the provisions of this chapter, shall carry on or conduct the business of:

(1) A dealer in motor vehicles, trailers, or semitrailers, of a type subject to registration;

(2) A dealer in used parts or used accessories of motor vehicles; or

(3) Wrecking or dismantling any vehicle for resale of the parts thereof.

(b)(1) Application for a dealer's or wrecker's license shall be made upon the form prescribed by the office and shall contain the name and address of the applicant.

(2)(A) When the applicant is a partnership, the name and address of each partner shall be set forth.

(B) When the applicant is a corporation, the names of the principal officers of the corporation, the state in which incorporated, the place or places where the business is to be conducted, the nature of such business, and other information as may be required by the office shall be set forth.

(3) Every application shall be verified by the oath or affirmation of the applicant, if an individual, or, in the event an applicant is a partnership or corporation, then by a partner or officer thereof.

(4) Every application shall be accompanied by the fee required by law for each place of business.

**History.** Acts 1949, No. 142, § 65; A.S.A. 1947, § 75-165.

**27-14-2002. Issuance of license certificate.**

(a)(1) The Office of Motor Vehicle, upon receiving application accompanied by the required fee and when satisfied that the applicant is of good character and, so far as can be ascertained, has complied with, and will comply with, the laws of this state with reference to the registration of vehicles and certificates of title and the provisions of this chapter, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer or wrecker, as the case may be, during the calendar year in which the license is issued.

(2) Every such license shall expire on December 31 of each year and may be renewed upon application and payment of the fee required by law.

(b) The office may refuse to issue a license or, after a written notice to the licensee and a hearing, may suspend or revoke a license when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this chapter or that a license has been fraudulently procured or erroneously issued.

(c) Any licensee, before removing any one (1) or more of his places of business or opening any additional place of business, shall apply to the office for, and obtain, a supplemental license for which a fee shall be charged.

**History.** Acts 1949, No. 142, § 66; 1959, No. 307, § 11; A.S.A. 1947, § 75-166.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

**27-14-2003. Records to be maintained.**

Every licensee shall maintain for three (3) years, in the form the Office of Motor Vehicle prescribes, a record of:

(1) Every vehicle or used part, accessory, body, chassis, or engine of, or for, a vehicle received or acquired by him, its description and identifying number, the date of its receipt or acquisition, and the name and address of the person from whom received or acquired;

(2) Every vehicle or vehicle body, chassis, or engine disposed of by him, its description and identifying number, the date of its disposition, and the name and address of the person to whom disposed of; and

(3) Every vehicle wrecked or dismantled by him and the date of its wrecking or dismantling. Every such record shall be open to inspection by any representative of the office or peace officer during reasonable business hours.

**History.** Acts 1949, No. 142, § 66; 1959, No. 307, § 11; A.S.A. 1947, § 75-166.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.



**SUBCHAPTER 21 — DRIVE-OUT TAGS**

## SECTION.

27-14-2101. Provisions supplemental.

27-14-2102. Issuance authorized.

27-14-2103. Validity period.

## SECTION.

27-14-2104. Fee — Disposition.

27-14-2105. Rules and regulations.

**27-14-2101. Provisions supplemental.**

This subchapter is in no respect to be considered as a repeal of any of the motor vehicle laws already in effect, specifically § 27-18-101 et seq., but shall be construed as supplementary thereto.

**History.** Acts 1955, No. 111, § 4; A.S.A. 1947, § 75-235.4.

**27-14-2102. Issuance authorized.**

The Director of the Department of Finance and Administration is authorized to design and issue a drive-out tag for use in cases where automobile dealers in this state sell a motor vehicle to a nonresident who desires to immediately remove the vehicle to the state of his or her residence.

**History.** Acts 1955, No. 111, § 1; A.S.A. 1947, § 75-235.1.

**27-14-2103. Validity period.**

Drive-out tags shall not be valid in any event for more than fourteen (14) days.

**History.** Acts 1955, No. 111, § 2; A.S.A. 1947, § 75-235.2; Acts 1997, No. 1208, § 1.

**27-14-2104. Fee — Disposition.**

(a) Drive-out tags shall be issued for a fee of two dollars (\$2.00) per tag.

(b) Proceeds of the sales shall be credited to the Department of Arkansas State Police Fund.

**History.** Acts 1955, No. 111, § 2; A.S.A. 1947, § 75-235.2; Acts 1997, No. 1208, § 2.

**27-14-2105. Rules and regulations.**

The Director of the Department of Finance and Administration is authorized to promulgate such rules and regulations as he or she deems necessary for the proper enforcement of this subchapter.

**History.** Acts 1955, No. 111, § 3; A.S.A. 1947, § 75-235.3.

## SUBCHAPTER 22 — THEFT OF VEHICLES AND PARTS

### SECTION.

- 27-14-2201. Reports of theft or recovery of stolen vehicles to Department of Arkansas State Police.
- 27-14-2202. Record of reports to Department of Arkansas State Police.
- 27-14-2203. [Repealed.]
- 27-14-2204. Reports to office by owners or lienholders.
- 27-14-2205. Processing of reports by office — Lists.
- 27-14-2206. Report of vehicle left in storage or parked over thirty days.

### SECTION.

- 27-14-2207. Unlawful taking of vehicle.
- 27-14-2208. Use of vehicle without owner's consent.
- 27-14-2209. Bonus, etc., to caretaker of another's vehicle prohibited.
- 27-14-2210. Vehicles or engines without manufacturers' numbers.
- 27-14-2211. Altering or changing engine or other numbers.
- 27-14-2212. Mutilation of serial numbers.

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**Effective Dates.** Acts 1911, No. 134, § 20: effective on passage. Approved Mar. 24, 1911.

Acts 1919, No. 423, § 4: effective on passage. Emergency declared. Approved Mar. 27, 1919.

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### **27-14-2201. Reports of theft or recovery of stolen vehicles to Department of Arkansas State Police.**

(a) Every police officer in command of any police department in any locality of this state shall report, by the fastest means of communication available to his or her law enforcement agency, immediately to the Automobile Theft Section of the Department of Arkansas State Police the theft or recovery of any stolen or converted motor vehicle within his or her jurisdiction.

(b) The report shall give the date of theft, description of the motor vehicle, including color, make, and year model, body style, vehicle serial or identification number, and license registration number, including the state in which the license was issued and the year of issuance, together with the name, residence address, business address, and telephone number of the owner and the location of the theft.

(c) The report shall be routed by the law enforcement agency through the Department of Arkansas State Police district in which the agency is located.

(d) The report of a theft by conversion of a motor vehicle will be accepted as a report of theft and processed only if a formal complaint is on file and a warrant issued.

**History.** Acts 1969, No. 380, §§ 1, 2;  
A.S.A. 1947, §§ 75-167.1, 75-167.2.

### **27-14-2202. Record of reports to Department of Arkansas State Police.**

(a) The Automobile Theft Section of the Department of Arkansas State Police shall keep a complete record of all reports filed under § 27-14-2201.

(b) Upon receipt of a report, a careful search shall be made of the records of the office of the Automobile Theft Section, and when it is found that a motor vehicle reported recovered was stolen in a locality other than the locality in which it is recovered, the Automobile Theft Section shall immediately notify the police officer in command of the police department of the locality in which the motor vehicle was originally reported stolen, giving complete information as to the time and place of recovery.

**History.** Acts 1969, No. 380, § 3; A.S.A. 1947, § 75-167.3.

### **27-14-2203. [Repealed.]**

**Publisher's Notes.** This section, concerning police reporting of stolen vehicles to the Office of Motor Vehicle, was repealed by Act 2003, No. 833, § 3. The section was derived from Acts 1949, No. 142, § 67; A.S.A. 1947, § 75-167.

### **27-14-2204. Reports to office by owners or lienholders.**

(a) The owner, or person having a lien or encumbrance upon a registered vehicle which has been stolen or embezzled, may notify the office of the theft or embezzlement, but in the event of an embezzlement, may make a report only after having procured the issuance of a warrant for the arrest of the person charged with the embezzlement.

(b) Every owner or other person who has given any such notice must notify the Office of Motor Vehicle of a recovery of the vehicle.

**History.** Acts 1949, No. 142, § 68;  
A.S.A. 1947, § 75-168.

### **27-14-2205. Processing of reports by office — Lists.**

(a) The Office of Motor Vehicle, upon receiving a report of a stolen or embezzled vehicle as provided in § 27-14-2204, shall file and appropriately index it, shall immediately suspend the registration of the stolen or embezzled vehicle so reported, and shall not transfer the registration of the stolen or embezzled vehicle until such time as the office is notified in writing that the stolen or embezzled vehicle has been recovered.

(b) The office shall, at least once each week, compile and maintain at its headquarters office a list of all vehicles which have been stolen or embezzled, or recovered as reported to the office during the preceding



week. The lists shall be open to inspection by any police officer or other person interested in any such vehicle.

**History.** Acts 1949, No. 142, § 69; A.S.A. 1947, § 75-169.

### **27-14-2206. Report of vehicle left in storage or parked over thirty days.**

(a)(1) Whenever any vehicle of a type subject to registration in this state has been stored, parked, or left in a garage, trailer park, or any type of storage or parking lot for a period of over thirty (30) days, the owner of the garage, trailer park, or lot shall, within five (5) days after the expiration of that period, report the make, model, serial or vehicle identification number of the vehicle as unclaimed to the Automobile Theft Section of the Department of Arkansas State Police.

(2) The report shall be on a form prescribed and furnished by the Department of Arkansas State Police.

(b) Nothing in this section shall apply when arrangements have been made for continuous storage or parking by the owner of the motor vehicle so parked or stored or when the owner of the motor vehicle so parked or stored is personally known to the owner or operator of the garage, trailer park, storage, or parking lot.

(c)(1) Any person who fails to submit the report required under this section shall forfeit all claims for storage of the vehicle and shall be guilty of a misdemeanor, punishable by a fine of not more than twenty-five dollars (\$25.00).

(2) Each day's failure to make a report required under this section shall constitute a separate offense.

**History.** Acts 1969, No. 380, § 4; A.S.A. 1947, § 75-167.4.

### **27-14-2207. Unlawful taking of vehicle.**

(a) Any person who drives a vehicle, not his own, without the consent of the owner thereof and with intent temporarily to deprive the owner of his possession of the vehicle, without intent to steal the vehicle, is guilty of a misdemeanor.

(b) The consent of the owner of a vehicle to the vehicle's taking or driving shall not in any case be presumed or implied because of the owner's consent on a previous occasion to the taking or driving of the vehicle by the same or a different person.

(c) Any person who assists in, or is a party or accessory to or an accomplice in any such unauthorized taking or driving, is guilty of a misdemeanor.

**History.** Acts 1949, No. 142, § 70; A.S.A. 1947, § 75-170.

**Cross References.** Unauthorized use of vehicle, § 5-36-108.

## CASE NOTES

**Boats.**

The joy-riding and trespass statutes do not apply to boats; consequently, there is no error in a court's refusing to instruct on the joy-riding and trespass statutes in a

case where defendant was accused of stealing a boat. *Weber v. State*, 250 Ark. 566, 466 S.W.2d 257 (1971).

**Cited:** *Hall v. State*, 242 Ark. 201, 412 S.W.2d 603 (1967).

**27-14-2208. Use of vehicle without owner's consent.**

(a) No chauffeur or other person shall drive or operate any motor vehicle upon any street or highway in this state in the absence of the owner of the motor vehicle without the owner's consent.

(b) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding two hundred dollars (\$200), or imprisoned in the county jail for a period not exceeding six (6) months, or both, at the discretion of the court.

**History.** Acts 1911, No. 134, § 16, p. 94; C. & M. Dig., § 7432; Pope's Dig., § 6644; A.S.A. 1947, § 75-194.

**Publisher's Notes.** Acts 1911, No. 134, § 1, provided that the short title of this act shall be "Motor Vehicle Law" and that whenever the term "motor vehicle" is used in the act it shall be construed to include automobiles, locomobiles, and all other vehicles propelled otherwise than by muscular power, except motor bicycles, trac-

tion engines, and road rollers, the cars of electric and steam railways, and other motor vehicles running only upon rails or tracks and that nothing in this act shall be construed to apply to or affect bicycles or tricycles or such other vehicles as are propelled exclusively by muscular pedal power.

**Cross References.** Unauthorized use of a vehicle, § 5-36-108.

## CASE NOTES

**Boats.**

The joy-riding and trespass statutes do not apply to boats; consequently, there is no error in a refusal of the court to in-

struct on the joy-riding and trespass statutes in a case involving the theft of a boat. *Weber v. State*, 250 Ark. 566, 466 S.W.2d 257 (1971).

**27-14-2209. Bonus, etc., to caretaker of another's vehicle prohibited.**

(a) No chauffeur or other person having the care of a motor vehicle for the owner shall receive or take, directly or indirectly, any bonus, discount, or other considerations for the purchase of supplies or parts for such motor vehicle or for work or labor done thereon by others.

(b) No person furnishing supplies or parts or work or labor shall give or offer any chauffeur or other persons having the care of a motor vehicle for the owner, either directly or indirectly, any bonus, discount, or other considerations thereon.

(c) Any person violating this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding two hundred dollars (\$200), or imprisoned in the county jail for a period not exceeding six (6) months, or both, at the discretion of the court.

**History.** Acts 1911, No. 134, § 16, p. 94;  
C. & M. Dig., § 7432; Pope’s Dig., § 6644;  
A.S.A. 1947, § 75-194.

**27-14-2210. Vehicles or engines without manufacturers’ numbers.**

- (a) Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his or her possession any motor vehicle or engine removed from a motor vehicle from which the manufacturer’s serial or engine number or other distinguishing number or identification mark or number placed thereon under assignment from the Office of Motor Vehicle has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the motor vehicle or engine is guilty of a misdemeanor.
- (b) Any person who pleads guilty or nolo contendere to or is found guilty of a second or subsequent offense shall be guilty of a Class D felony.

**History.** Acts 1949, No. 142, § 73;  
A.S.A. 1947, § 75-173; Acts 2003, No. 1351, § 1.

**RESEARCH REFERENCES**

**A.L.R.** Criminal liability, under state law, concerning illegal removal or alteration of vehicle identification number, including sale or possession of altered motor vehicles or parts. 107 A.L.R.5th 567.

**27-14-2211. Altering or changing engine or other numbers.**

- (a)(1) No person shall, with fraudulent intent, deface, destroy, or alter the manufacturer’s serial or engine number or other distinguishing number or identification mark of a motor vehicle, nor shall any person place or stamp any serial, engine, or other number or mark upon a motor vehicle except one assigned by the Office of Motor Vehicle.
- (2) Any violation of this subsection is a Class C felony.
- (b) This section shall not prohibit the restoration by an owner of an original serial, engine, or other number or mark when the restoration is made under permit issued by the office or prevent any manufacturer from placing, in the ordinary course of business, numbers or marks upon motor vehicles or parts thereof.

**History.** Acts 1949, No. 142, § 74;  
A.S.A. 1947, § 75-174; Acts 2003, No. 199, § 1.

**RESEARCH REFERENCES**

**A.L.R.** Criminal liability, under state law, concerning illegal removal or alteration of vehicle identification number, including sale or possession of altered motor vehicles or parts. 107 A.L.R.5th 567.

**U. Ark. Little Rock L. Rev.** Survey of



Legislation, 2003 Arkansas General Assembly, Transportation, Alteration of Serial or Engine Number, 26 U. Ark. Little Rock L. Rev. 503.

### CASE NOTES

**Cited:** King v. Roy, 319 F.3d 345 (8th Cir. 2003).

#### 27-14-2212. Mutilation of serial numbers.

(a)(1) It shall be unlawful for any person, firm, or corporation to have in its possession an automobile, automobile tires, or gasoline engine, the motor and serial number of which have been mutilated to the extent that it cannot be read.

(2) When any automobile, automobile tires, or gasoline engine has been stolen and recovered and the serial numbers found mutilated, the court where the case may be tried shall have power to authorize the rightful owner of the automobile tires or accessories to continue the use of them.

(3) The court shall also direct that the owner of the car have the original serial numbers restenciled on the engine, motor, or car.

(b) Any person convicted of violating subsection (a) of this section shall be deemed guilty of a felony and punished by imprisonment in the Department of Correction for not less than one (1) year nor more than five (5) years.

**History.** Acts 1919, No. 423, §§ 1, 3; C. & M. Dig., §§ 7437, 7439; Pope's Dig., §§ 6649, 6651; A.S.A. 1947, §§ 75-192, 75-193.

**Publisher's Notes.** Acts 1919, No. 423, § 2, provided that the act would not apply to any person, firm, or corporation who had on hand at the time of the passage of

the act an automobile, automobile tire, or gasoline engine, the motor and serial numbers of which had been mutilated beyond identification, but would apply to all persons, firms, or corporations purchasing automobiles, automobile tires, or gasoline engines after the passage of the act.

### CASE NOTES

#### ANALYSIS

Constitutionality.

Construction.

Effect on Value.

Elements of Offense.

Knowledge of Mutilation.

#### Constitutionality.

This section is not unconstitutional as to one having possession of an automobile without knowledge of the fact that the motor and serial numbers have been so mutilated that they cannot be read. Baker v. State, 177 Ark. 1042, 9 S.W.2d 243 (1928).

#### Construction.

This section must be strictly construed against defendant and liberally in his favor. Baker v. State, 177 Ark. 1042, 9 S.W.2d 243 (1928).

#### Effect on Value.

One cannot claim that there is no useable value of an automobile because its serial number had been mutilated. Aetna Ins. Co. v. Mills, 176 Ark. 684, 3 S.W.2d 999 (1928).

#### Elements of Offense.

This section is intended to impose a penalty only on one who mutilates both the serial and motor numbers, so a plea

admitting possession of a car with motor number only mutilated would not be a plea of guilty, since either number, if not mutilated, would identify the car. *Baker v. State*, 177 Ark. 1042, 9 S.W.2d 243 (1928).

had been mutilated, it is not error to instruct that if the defendant kept the tire in his possession after he knew that the serial numbers had been mutilated he would be guilty. *Hall v. State*, 171 Ark. 787, 286 S.W. 1026 (1926).

**Knowledge of Mutilation.**

In a prosecution for possessing an automobile tire on which the serial numbers

**SUBCHAPTER 23 — DISCLOSURE OF DAMAGE AND REPAIR ON THE  
CERTIFICATE OF TITLE**

SECTION.	SECTION.
27-14-2301. Definitions.	27-14-2305. Applicability of subchapter.
27-14-2302. Issuance of damage certificate.	27-14-2306. Exemption from sales or use tax.
27-14-2303. Disclosure requirements.	27-14-2307. Rules and regulations.
27-14-2304. Violations — Penalties.	

**A.C.R.C. Notes.** References to “this chapter” in subchapters 1-22 may not apply to this subchapter which was enacted subsequently.

**27-14-2301. Definitions.**

- As used in this subchapter:
- (1)(A) “Dealer” means any person or business who sells or offers for sale a motor vehicle after selling or offering for sale five (5) or more motor vehicles in the previous twelve (12) months or who is a new or used motor vehicle dealer licensed by or with the State of Arkansas.
  - (B) Persons or businesses that operate as salvage vehicle pools or salvage vehicle auctions are not dealers under this subchapter when selling vehicle parts to a dealer;
  - (2) “Motor vehicle” means every self-propelled vehicle except motorcycles, motor-driven cycles, and trucks with an unladen weight of ten thousand pounds (10,000 lbs.) or more, in, upon, or by which any person or property is or may be transported upon a street or highway;
  - (3)(A) “Occurrence” means the event that caused the motor vehicle to become damaged.
  - (B) “Occurrence” includes without limitation collision, theft, vandalism, storm, or flood;
  - (4) “Office of Motor Vehicle” or “office” means the Office of Motor Vehicle of the Revenue Division of the Department of Finance and Administration;
  - (5) “Owner” means an individual, insurance company, or other entity with legal title to the motor vehicle;
  - (6) “Salvage vehicle” means a motor vehicle that is:
    - (A) Water-damaged; or

(B) Sustains any other damage in an amount equal to or exceeding seventy percent (70%) of its average retail value as determined under criteria established by rule of the Office of Motor Vehicle; and

(7) "Water-damaged" means damage to a motor vehicle caused by submerging or partially submerging the vehicle in water to the extent that the vehicle was submerged or partially submerged at any water level above the dashboard of the vehicle, regardless of the actual dollar amount of the damage.

**History.** Acts 1993, No. 614, § 1; 2007, added (3) and (6), redesignated the remaining subsections accordingly, and No. 410, § 1.

**Amendments.** The 2007 amendment made a minor stylistic change.

### **27-14-2302. Issuance of damage certificate.**

(a)(1) When an insurer acquires the ownership of a salvage vehicle for which a salvage vehicle title has not been issued, the insurer shall surrender the certificate of title for the salvage vehicle to the Office of Motor Vehicle within thirty (30) days following the acquisition of the certificate of title to the salvage vehicle.

(2)(A) If a motor vehicle becomes a salvage vehicle and an insurer indemnifies under the insurance policy but the insurer does not take title to the salvage vehicle, the insurer shall notify the office that the motor vehicle is a salvage vehicle pursuant to the notification procedure required under this subsection.

(B) The office shall attach a note or stamp to any copy of a title issued by the office or to any reissued or changed title.

(C) The note or stamp shall state that the motor vehicle is a salvage vehicle and shall remain in place until the owner of the vehicle surrenders the certificate of title on the salvage vehicle and a salvage vehicle title or prior salvage vehicle title is issued by the office.

(3) If a person other than an insurer owns a salvage vehicle for which a salvage vehicle title has not been issued, the owner shall surrender the certificate of title for the salvage vehicle to the office within thirty (30) days following the date that the motor vehicle became a salvage vehicle.

(4)(A) If a person other than an insurer acquires ownership of a salvage vehicle after the time it becomes a salvage vehicle but before the issuance of a salvage vehicle title and a good faith estimate of the repair cost is over seventy percent (70%) of its average retail value at the time the vehicle is acquired, the owner shall surrender the certificate of title to the salvage vehicle to the office within thirty (30) days following the date of acquisition of the certificate of title to the salvage vehicle. If the vehicle has no resale value except as a source for parts or scrap, the owner may request that the office issue the vehicle a "parts only" title and the vehicle shall be dismantled for parts or scrap and shall be titled as such in the State of Arkansas.

(B) Subdivision (a)(4)(A) of this section shall become effective on January 1, 2008.



(b) Upon receipt of such title, there shall be issued a new certificate of title with the word “salvage” printed in the remarks section on the face of the title.

(c)(1) An Arkansas certificate of title issued from an out-of-state certificate of title or comparable ownership document that carries a designation such as “damaged”, “salvaged”, “water-damaged”, “reconstructed”, “rebuilt”, or other similar classification shall have a brand notation printed in the remarks section on its face as would be required by this subchapter to be printed on an Arkansas certificate of title issued under the provisions of either subsection (b) or subsection (e) of this section.

(2)(A) Provided, however, an Arkansas certificate of title shall not be issued from an out-of-state junking certificate or other ownership document bearing a designation of “junk”, “parts only”, “nonrepairable”, or similar classification, it being the intent of this section that any motor vehicle damaged to the extent that it has been so designated shall be dismantled for parts or scrap and shall not be registered in the State of Arkansas but may receive a “parts only” title.

(B)(i) An Arkansas title may be issued only if the state that placed the designation on the certificate of title or issued the junking certificate removes the designation or cancels the junking certificate and replaces it with a certificate of title.

(ii) The designation placed on the certificate of title or issuance of junking certificate may be modified or removed only by that state.

(iii) No court of this state shall have jurisdiction to change or modify the designation or finding of another state issuing a certificate of title or the junking certificate.

(d)(1) When any motor vehicle issued a “salvage” certificate of title or similar branded title by another state is rebuilt or reconstructed, the owner shall, within ten (10) working days, make application to the office for the registration and issuance of a new certificate of title to the motor vehicle.

(2) The application shall be accompanied by the “salvage” certificate of title or similar title issued by another state, a fee in the amount now or hereafter prescribed by law for the registration and issuance of a certificate of title, and a sworn statement executed by the rebuilder or restorer on a form prescribed by the office describing the types of repairs performed, listing all parts replaced, and including the vehicle identification number of any parts bearing such a number or a derivative thereof.

(e)(1) Upon receipt of such “salvage” certificate of title or similar title issued by another state and the sworn statement required to be submitted by subsection (d) of this section, there shall be issued a new certificate of title with the word “rebuilt” printed in the remarks section on the face of the title.

(2) Such brand shall be carried forward and printed in the remarks section on the face of all titles issued thereafter for such motor vehicle.

(f) The sworn statement submitted pursuant to subsection (d) of this section shall be maintained by the office as a part of the permanent title record of the motor vehicle in question, and the information contained therein shall be made available to any prospective buyer or transferee upon request.

(g)(1) If an insurer has the responsibility under this subchapter to surrender the certificate of title on a salvage vehicle for which it has taken title or to notify the office that a motor vehicle is a salvage vehicle, prior salvage vehicle, or "parts only" vehicle, the insurer may delegate its responsibility to surrender the certificate of title or to notify the office to a servicing organization or to a buyer of the salvage vehicle from the insurer.

(2) The insurer shall remain responsible under Arkansas law if the servicing organization or buyer fails to properly surrender the title or notify the office.

**History.** Acts 1993, No. 614, § 2; 2001, No. 328, § 2; 2007, No. 410, § 2.

**Publisher's Notes.** Acts 1993, No. 614, § 2, provided, in part: "In the event an appropriation is provided for elsewhere by law to be used by the Department of Finance and Administration, Revenue Division to defray the expenses incurred by the Office of Motor Vehicles to provide a 1-900 toll service telephone number, the information contained in the sworn statement submitted pursuant to subsection (d) of this section shall be made available to any prospective buyer or transferee who provides the Office of Motor Vehicles with the vehicle identification number through the use of such 1-900 toll service number. The Director of the Department of Finance and Administration is authorized to establish a fee for use of such 1-900 toll service that is sufficient to cover

the expenses of operating such a service, and all revenues derived from the operation of such 1-900 toll service shall be deposited to the State Central Services Fund Account for support of such service. Nothing herein shall be construed as to require the Department of Finance and Administration to establish a 1-900 toll service for the purposes specified herein if an appropriation is not enacted to authorize the expenditure of funds generated by such service for its support."

**Amendments.** The 2007 amendment rewrote (a); substituted "salvage" for "damaged" in (b); in (c)(2)(A), inserted "'parts only'" and "but may receive a 'parts only' title" and substituted "registered" for "titled"; substituted "salvage" for "damaged" in (d)(1), (d)(2) and (e)(1); substituted "rebuilt" for "previous damage" in (e)(1); and added (g).

### 27-14-2303. Disclosure requirements.

(a)(1) When any dealer in this state offers for sale a motor vehicle which carries a title branded pursuant to this subchapter, the dealer shall disclose to any prospective buyer or purchaser prior to sale the nature of the title brand and shall furnish him or her a description of the damage sustained by the motor vehicle on file with the Office of Motor Vehicle.

(2) The disclosure shall be on a buyer's notification form to be prescribed by the Consumer Protection Division of the Office of the Attorney General.

(3)(A) The form shall be fully filled out and affixed to a side window of the motor vehicle with the title "BUYER'S NOTIFICATION" facing to the outside.

(B) The form may be removed temporarily from the window during any test drive, but it shall be replaced as soon as the test drive is over.

(b)(1) When any motor vehicle owner who is not a dealer knowingly offers for sale or trade a motor vehicle which carries a title branded pursuant to this subchapter, such owner shall disclose to any prospective buyer or purchaser prior to the sale or trade the nature of the title brand and shall furnish him or her a description of the damage sustained by the motor vehicle as on file with the Office of Motor Vehicle.

(2) The disclosure shall be on a buyer's notification form to be prescribed by the division.

(c)(1) The form to be prescribed by the division shall have an acknowledgment section that the seller shall require the buyer to sign prior to completing a sales transaction on a motor vehicle that carries a branded title.

(2) The seller shall retain a copy of the signed notification form.

(d)(1) Failure of the seller to procure the buyer's acknowledgment signature shall render the sale voidable at the election of the buyer.

(2) The election to render the sale voidable shall be limited to sixty (60) days after the sales transaction.

(3) The buyer's right to render voidable the purchase is in addition to any other right or remedy which may be available to the buyer. In the event that the seller makes full refund of the purchase price to the buyer within ten (10) days after receipt of the buyer's election to void the sales transaction, the seller shall be subject to no further liability in connection with the sales transaction.

**History.** Acts 1993, No. 614, § 3; 1995, No. 620, § 1; 1999, No. 1303, § 1; 1999, No. 1572, § 1.

#### CASE NOTES

##### **Evidence.**

A car buyer properly elected to void the sale of a car where the sellers violated this section by failing to furnish the buyer with a description of damage sustained to the car on a buyer's notification form and

by failing to procure the buyer's acknowledgment signature on a buyer's notification form. *Auto Connection, Inc. v. Gardner*, 73 Ark. App. 154, 41 S.W.3d 417 (2001).

#### **27-14-2304. Violations — Penalties.**

(a) Any repairer, rebuilder, or restorer who pleads guilty or nolo contendere to or who is found guilty of failing to provide to a motor vehicle owner the sworn statement required by § 27-14-2302 to be submitted to the Office of Motor Vehicle, or, if the repairer, rebuilder, or restorer is the motor vehicle owner, failing to submit the sworn statement required by § 27-14-2302 to be submitted to the office, or any motor vehicle owner who conceals or attempts to conceal the fact that the motor vehicle has been damaged from any prospective buyer or



transferee in violation of this subchapter shall be guilty of a Class A misdemeanor and shall be punished as provided by law.

(b) Any dealer who pleads guilty or nolo contendere to or who is found guilty of failing to disclose the information provided for in § 27-14-2302 or any motor vehicle owner who conceals or attempts to conceal the fact that the motor vehicle has been damaged from any prospective buyer or purchaser in violation of this subchapter shall be guilty of a Class A misdemeanor and shall be punished as provided by law.

(c) Any sale, attempted sale, or transfer of a motor vehicle in violation of the provisions of this subchapter shall constitute an unfair or deceptive act or practice under the provisions of the Deceptive Trade Practices Act, § 4-88-101 et seq.

**History.** Acts 1993, No. 614, § 4.

### **27-14-2305. Applicability of subchapter.**

(a) The provisions of this subchapter shall not apply to motor vehicles more than seven (7) model years old prior to the calendar year of the occurrence.

(b) Any title that is branded pursuant to this subchapter shall retain the brand on the title for the life of the vehicle.

**History.** Acts 1993, No. 614, § 5; 1999, No. 1572, § 2; 2007, No. 410, § 3.

**Amendments.** The 2007 amendment inserted the (a) and (b) designations; and,

in (a), substituted “seven (7)” for “five (5)” and added “prior to the calendar year of the occurrence.”

### **27-14-2306. Exemption from sales or use tax.**

Any person licensed by the State of Arkansas as a dealer in motor vehicles who is required under the provisions of this subchapter to register and title a motor vehicle in the name of such dealership shall be exempt from the payment of sales or use taxes on such transaction.

**History.** Acts 1993, No. 614, § 6.

**Cross References.** Tax on used cars  
— Payment and collection, § 26-53-126.

### **27-14-2307. Rules and regulations.**

The Director of the Department of Finance and Administration shall promulgate necessary rules and regulations for the proper enforcement and administration of this subchapter.

**History.** Acts 1993, No. 614, § 7.

**SUBCHAPTER 24 — TEMPORARY REGISTRATION EXEMPTION.**

## SECTION.

27-14-2401 — 27-14-2404. [Repealed.]

**27-14-2401 — 27-14-2404. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2001, No. 448, § 1. The subchapter was derived from the following sources:

27-14-2401. Acts 1997, No. 452, § 1.  
 27-14-2402. Acts 1997, No. 452, § 2.  
 27-14-2403. Acts 1997, No. 452, § 3.  
 27-14-2404. Acts 1997, No. 452, § 4.

**CHAPTER 15****REGISTRATION AND LICENSING — SPECIAL USES**

## SUBCHAPTER.

1. GENERAL PROVISIONS.
2. HANDICAPPED PERSONS GENERALLY. [REPEALED.]
3. ACCESS TO PARKING FOR PERSONS WITH DISABILITIES ACT.
4. DISABLED VETERANS — IN GENERAL. [REPEALED.]
5. DISABLED VETERANS — LICENSE FOR FURNISHED AUTOMOBILES. [REPEALED.]
6. DISABLED VETERANS — WORLD WAR I. [REPEALED.]
7. DISABLED VETERANS — NONSERVICE INJURIES. [REPEALED.]
8. MEDAL OF HONOR RECIPIENTS. [REPEALED.]
9. PURPLE HEART RECIPIENTS. [REPEALED.]
10. EX-PRISONERS OF WAR. [REPEALED.]
11. MILITARY RESERVE. [REPEALED.]
12. UNITED STATES ARMED FORCES RETIRED. [REPEALED.]
13. PUBLIC USE VEHICLES — LOCAL GOVERNMENT. [REPEALED.]
14. PUBLIC USE VEHICLES — STATE GOVERNMENT. [REPEALED.]
15. PUBLIC USE VEHICLES — FEDERAL GOVERNMENT. [REPEALED.]
16. MEMBERS OF GENERAL ASSEMBLY. [REPEALED.]
17. GAME AND FISH COMMISSION. [REPEALED.]
18. VOLUNTEER RESCUE SQUADS. [REPEALED.]
19. RELIGIOUS ORGANIZATIONS. [REPEALED.]
20. YOUTH GROUPS. [REPEALED.]
21. ORPHANAGES. [REPEALED.]
22. HISTORICAL OR SPECIAL INTEREST VEHICLES.
23. ANTIQUE MOTORCYCLES.
24. AMATEUR RADIO OPERATORS.
25. PEARL HARBOR SURVIVORS. [REPEALED.]
26. MERCHANT MARINE. [REPEALED.]
27. FIREFIGHTERS. [REPEALED.]
28. SPECIAL LICENSE PLATES FOR COUNTY QUORUM COURT MEMBERS. [REPEALED.]
29. SPECIAL COLLEGIATE LICENSE PLATES. [REPEALED.]
30. SPECIAL CIVIL AIR PATROL LICENSE PLATES. [REPEALED.]
31. SPECIAL SEARCH AND RESCUE LICENSE PLATES.
32. DUCKS UNLIMITED. [REPEALED.]
33. WORLD WAR II VETERANS, KOREAN WAR VETERANS, VIETNAM VETERANS, AND PERSIAN GULF VETERANS. [REPEALED.]
34. ADDITIONAL GAME AND FISH COMMISSION PLATES. [REPEALED.]
35. COMMITTED TO EDUCATION LICENSE PLATES. [REPEALED.]
36. ARMED FORCES VETERAN LICENSE PLATES. [REPEALED.]
37. SPECIAL RETIRED ARKANSAS STATE TROOPER LICENSE PLATES. [REPEALED.]
38. DISTINGUISHED FLYING CROSS. [REPEALED.]

## SUBCHAPTER

- 39. CHOOSE LIFE LICENSE PLATE. [REPEALED.]
- 40. MISCELLANEOUS.
- 41. SUSAN G. KOMEN BREAST CANCER EDUCATION, RESEARCH, AND AWARENESS LICENSE PLATE. [REPEALED.]
- 42. DIVISION OF AGRICULTURE LICENSE PLATE. [REPEALED.]
- 43. CONSTITUTIONAL OFFICER LICENSE PLATE. [REPEALED.]
- 44. AFRICAN-AMERICAN FRATERNITY AND SORORITY LICENSE PLATE. [REPEALED.]
- 45. BOY SCOUTS OF AMERICA LICENSE PLATE. [REPEALED.]
- 46. ARKANSAS CATTLEMEN'S FOUNDATION LICENSE PLATE. [REPEALED.]
- 47. ORGAN DONOR AWARENESS LICENSE PLATE. [REPEALED.]
- 48. OPERATION IRAQI FREEDOM VETERAN LICENSE PLATE. [REPEALED.]
- 49. IN GOD WE TRUST LICENSE PLATE.
- 50. OPERATION ENDURING FREEDOM VETERAN LICENSE PLATE. [REPEALED.]
- 51. ARKANSAS STATE GOLF ASSOCIATION LICENSE PLATE.
- 52. ARKANSAS FALLEN FIREFIGHTERS' MEMORIAL SPECIAL LICENSE PLATE.
- 53. REALTORS LICENSE PLATE. [REPEALED.]

**A.C.R.C. Notes.** References to "this chapter" in §§ 27-15-401 — 27-15-407 and subchapters 1-3 and 5-46 may not apply to § 27-15-408 and subchapter 47, which were enacted subsequently.

**Publisher's Notes.** This chapter and

Chapter 14 of this title may be considered as the "Motor Vehicle Code" of Arkansas.

**Cross References.** Registration and licensing — Generally, § 27-14-101 et seq.

Special personalized prestige license plates generally, § 27-14-1101 et seq.

## SUBCHAPTER 1 — GENERAL PROVISIONS

## SECTION.

- 27-15-101. Decal for deaf persons.
- 27-15-102. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."



27-15-101. Decal for deaf persons.

- (a) The Department of Finance and Administration shall provide a motor vehicle license plate decal for deaf persons upon the payment of a fee of one dollar (\$1.00) and satisfactory proof that the person’s average loss in the speech frequencies of five hundred (500) Hertz to two thousand (2,000) Hertz in the better ear is eighty-six (86) decibels or worse by the International Organization for Standardization.
- (b) The department shall design a decal to indicate that the operator of the motor vehicle may be deaf.
- (c) The decals shall be made available beginning September 1, 1985.

**History.** Acts 1985, No. 116, § 1; A.S.A. 1947, § 75-297; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

27-15-102. [Repealed.]

**Publisher’s Notes.** This section, concerning surviving spouses eligible for certain specialty license plates, was repealed

by Acts 2005, No. 2202, § 2. The section was derived from Acts 2001, No. 1524, § 1.

SUBCHAPTER 2 — HANDICAPPED PERSONS GENERALLY [REPEALED]

SECTION.  
27-15-201 — 27-15-203. [Repealed.]

27-15-201 — 27-15-203. [Repealed.]

**Publisher’s Notes.** This subchapter was repealed by Acts 1991, No. 656, § 14. The subchapter was derived from the following sources:

27-15-201. Acts 1979, No. 224, § 1; A.S.A. 1947, § 75-294.

27-15-202. Acts 1979, No. 224, § 3; A.S.A. 1947, § 75-294.2.

27-15-203. Acts 1979, No. 224, § 2; A.S.A. 1947, § 75-294.1.

SUBCHAPTER 3 — ACCESS TO PARKING FOR PERSONS WITH DISABILITIES ACT

SECTION.  
27-15-301. Title.  
27-15-302. Definitions.  
27-15-303. Applicability.  
27-15-304. Temporary special certificate.  
27-15-305. Penalties.  
27-15-306. Enforcement.  
27-15-307. Administration.  
27-15-308. Special license plates and certificates.  
27-15-309. [Repealed.]

SECTION.  
27-15-310. Display of special license plate or certificate.  
27-15-311. Reciprocity.  
27-15-312. Parking privileges — Exceptions.  
27-15-313. [Repealed.]  
27-15-314. Parking spaces by private agencies.  
27-15-315. Signs regulatory in nature.  
27-15-316. Disabled veterans.

**Effective Dates.** Acts 1985, No. 907, § 14: Apr. 15, 1985. Emergency clause provided: “It is hereby found and deter-

mined by the General Assembly that the providing of reasonable access to public and private buildings by handicapped per-

sons is essential to the health, safety and welfare of such persons; that it is the public policy of this State that public buildings and buildings with public access meet architectural standards to accommodate the severely and permanently handicapped; and that the immediate passage of this Act is necessary to make reasonable and necessary provisions for providing parking facilities and access to public buildings and buildings of public accommodations by handicapped persons. Therefore, an emergency is hereby declared to exist, and this Act being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to re-

solve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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## 27-15-301. Title.

This subchapter shall be known as the "Access to Parking for Persons with Disabilities Act".

**History.** Acts 1985, No. 907, § 1; A.S.A. 1947, § 75-296.3; Acts 1991, No. 656, § 1; 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

## 27-15-302. Definitions.

As used in this subchapter:

(1) "Access aisle" means a ramp designed, constructed, and marked for access by a mobility-impaired person, a striped or marked passenger loading and unloading area, or a striped access area adjacent to a parking space designed and marked for access by mobility-impaired or sight-impaired persons;

(2) "Office" means the Office of Motor Vehicle;

(3)(A) "Permanent disability" means a medically determined condition that is continuous without the possibility of improvement and that substantially impacts a person's mobility.

(B) "Permanent disability" includes:

(i) A spinal cord injury;

(ii) A genetic ambulatory disorder;

(iii) An amputation;

- (iv) Spina bifida;
- (v) Multiple sclerosis;
- (vi) Chronic heart disease; or

(vii) Any other medically determined permanent condition that substantially impacts a person's mobility;

(4) "Person with a disability" means any individual who, as determined by a licensed physician:

(A) Cannot walk one hundred feet (100') without stopping to rest;

(B) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(C) Is restricted by lung disease to such an extent that the person's forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest;

(D) Uses portable oxygen; or

(E) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;

(5) "Private agency" means any person, firm, association, organization, or entity, other than a public agency doing business with or providing accommodations for the public, whose customary and normal operations include the providing of parking spaces as a means of accommodating the general public or a select clientele or membership; and

(6) "Public agency" means any department, office, or agency of the State of Arkansas or any city, county, school district, or other public agency of this state or of its political subdivisions.

**History.** Acts 1985, No. 907, § 2; A.S.A. 1947, § 75-296.4; Acts 1991, No. 656, § 2; 1999, No. 1503, § 1; 2005, No. 2202, § 2; 2007, No. 753, § 8.

**Amendments.** The 2005 amendment made no changes to this section.  
The 2007 amendment added (3).

### 27-15-303. Applicability.

(a) The provisions of this subchapter shall apply only to:

(1) Passenger vehicles, including automobiles; and

(2) Light trucks, including vans, with a three-fourths ( $\frac{3}{4}$ ) ton or less manufacturer's rated capacity if the vehicle is specially adapted for use by individuals with disabilities through the use of a lift, ramp, hand controls, etc.

(b) The provisions of this section may be waived if the applicant can document that a larger vehicle or special purpose vehicle would otherwise be eligible to display the special license plate or special certificate.

**History.** Acts 1985, No. 907, § 5; A.S.A. 1947, § 75-296.7; Acts 1991, No. 656, § 3; 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.



**27-15-304. Temporary special certificate.**

(a)(1) A person with a disability, which, as determined by a licensed physician is temporary in nature as opposed to permanent, may apply to the Office of Motor Vehicle for a temporary person-with-a-disability special certificate, and, upon request, one (1) additional temporary special certificate.

(2) Provided further, a person to whom has been issued a special license plate or a special certificate may obtain one (1) temporary special certificate.

(3) The intent in this section is to provide any person with a disability at least one (1), but not more than two (2), special indicia authorizing the use of parking spaces reserved exclusively for persons with disabilities.

(b) The temporary special certificate shall conform in size, color, and construction as may be specified by federal rules issued by the United States Secretary of Transportation, pursuant to Pub. L. No. 100-641.

(c) When the temporary special certificate is displayed on the inside rearview mirror, or the dashboard if the vehicle is of a type that does not have an inside rearview mirror, of a vehicle described in § 27-15-303 that is transporting the person to whom the temporary special certificate was issued, the owner or operator of the motor vehicle shall be entitled to the same parking privileges as the owner or operator of a vehicle bearing a special license plate provided under § 27-15-308(a).

(d) The temporary special certificate shall be issued free of charge and shall expire three (3) months from the last day of the month in which it is issued.

**History.** Acts 1991, No. 656, § 8; 2005, No. 2202, § 2.

**Publisher's Notes.** Former § 27-15-304, concerning the exclusion of temporary disability, was repealed by Acts 1991, No. 656, § 14. The former section was derived from Acts 1985, No. 907, § 5; A.S.A. 1947, § 75-296.7.

**Amendments.** The 2005 amendment made no changes to this section.

**U.S. Code.** Pub. L. No. 100-641, referred to in this section, is codified as a note under 23 U.S.C. § 402.

**27-15-305. Penalties.**

(a) Any individual who provides false information in order to acquire or who assists an unqualified person in acquiring the special license plate or the special certificate and any person who abuses the privileges granted by this subchapter shall be deemed guilty of a Class A misdemeanor.

(b)(1) Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability, including the access aisle, as provided in this subchapter, on which is not displayed a special license plate, a special certificate, or an official designation of another state as authorized in this subchapter or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not a person with a disability while not

being used for the actual transporting of a person with a disability shall be subject to impoundment by the appropriate law enforcement agency.

(2) In addition thereto, the owner of the vehicle shall upon conviction be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the first offense and not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) for the second and subsequent offenses, plus applicable towing, impoundment, and related fees as well as court costs.

(3)(A) Upon the second or subsequent conviction, the court shall suspend the driver's license for up to six (6) months.

(B) The driver may apply to the Office of Driver Services for a restricted license during the period of suspension. The office shall determine the conditions of the restricted license or may deny the request for a restricted license after reviewing the driving record and circumstances of the driver.

(c)(1) Thirty percent (30%) of all fines collected under this section in district court or city court shall be for the purpose of funding activities of the Governor's Commission on People with Disabilities and shall be collected and remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, for deposit in a special fund established and maintained by the Treasurer of State.

(2) Seventy percent (70%) of the fines collected in district court or city court under this section shall be paid by the tenth day of each month to the city general fund of the town or city in which the violation occurred to assist that political subdivision in paying the expenses it incurs in complying with requirements of the Americans with Disabilities Act.

**History.** Acts 1985, No. 907, § 12; A.S.A. 1947, § 75-296.14; Acts 1987, No. 59, § 5; 1991, No. 656, § 4; 1999, No. 1503, § 2; 2001, No. 609, § 1; 2003, No. 1765, § 33; 2005, No. 1934, § 18; 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment by No. 1934 substituted "all fines collected under this section in district court or city court" for "every fine and fee collected under this section by a law enforcement agency and a court of competent jurisdiction"

tion" in (c)(1); and, in (c)(2), substituted "fines collected in district court or city court" for "funds collected from fines and fees collected" and "town or city" for "local municipality."

The 2005 amendment by No. 2202 made no changes to this section.

**U.S. Code.** The Americans with Disabilities Act, referred to in this section, is codified primarily as 42 U.S.C. § 12101 et seq.

## 27-15-306. Enforcement.

(a) Any law enforcement official in this state may enter upon any public parking space, public parking lot, or public parking facility in this state for the purpose of enforcing the provisions of this subchapter with respect to accessible parking for a person with a disability.



(b) Any law enforcement officer in this state may enter upon the parking space, parking lot, or parking facility of any private agency in this state for the purpose of enforcing the provisions of this subchapter with respect to accessible parking for a person with a disability.

**History.** Acts 1985, No. 907, § 11; A.S.A. 1947, § 75-296.13; Acts 1997, No. 208, § 30; 1999, No. 1503, § 3; 2005, No. 2202, § 2; 2007, No. 753, § 1.

**A.C.R.C. Notes.** Acts 1997, No. 208, § 1, codified as § 22-4-408, provided: “Legislative intent and purpose. The General Assembly hereby acknowledges that many of the laws relating to individuals with disabilities are antiquated, functionally outmoded, derogatory, ambiguous or are inconsistent with more recently enacted provisions of the law. Consequently, it is the intent of the General Assembly and the purpose of this act to clarify the relevant chapters of Titles 1, 6, 9, 13, 14,

16, 17, 20, 22, 23, and 27 of the Arkansas Code Annotated of 1987.”

**Amendments.** The 2005 amendment made no changes to this section.

The 2007 amendment, in (a), substituted “may enter upon any parking space, public parking lot, or public parking facility in this state” for “is authorized to enter upon the parking space of any public agency of this state” and added “for a person with a disability”; and, in (b), substituted “may enter upon the parking space, parking lot, or parking facility” for “is authorized to enter upon the parking space” and added “for a person with a disability.”

## 27-15-307. Administration.

The Office of Motor Vehicle shall:

(1) Develop an appropriate form, including provision for a sworn statement of disability, for use by an applicant to request issuance of the special license plate and the special certificate for a person with a disability;

(2) Distribute a copy of this subchapter to all appropriate law enforcement agencies charged with enforcement of the Motor Vehicle Code;

(3) Adopt procedures and promulgate rules to advise and inform the general public of the provisions of this subchapter and the availability of special license plates and special certificates;

(4) Request medical information directly related to determining the eligibility of the applicant for a special license plate or special certificate, which shall be held in strict confidence. Such medical information shall be required only when the applicant is applying for the initial issuance of a special license plate or special certificate authorized under the provisions of § 27-15-308;

(5) Maintain accurate records of the annual number of special license plates and special certificates issued and in inventory;

(6) Enter into the permanent record of each applicant the special license number or special certificate number and type of allowable disability of the applicant in a manner that will allow retrieval of the information for statistical use; and

(7) Include a notice with each application for a special license plate or special certificate informing the applicant and any other person driving for the applicant of the requirements of this subchapter and further specifically informing the applicant that the privilege to park in spaces reserved for persons with disabilities shall be available only



when the person for whom the special plate or certificate was issued or a person with a disability is actually in the vehicle.

**History.** Acts 1985, No. 907, § 5; A.S.A. 1947, § 75-296.7; Acts 1991, No. 656, § 5; 2001, No. 609, § 2; 2005, No. 2202, § 2. the Motor Vehicle Code, see Publisher's Notes at the beginning of this chapter.

**Publisher's Notes.** For provisions of the Motor Vehicle Code, see Publisher's Notes at the beginning of this chapter. **Amendments.** The 2005 amendment made no changes to this section.

## 27-15-308. Special license plates and certificates.

(a)(1) An owner of a motor vehicle described in § 27-15-303 may apply to the Office of Motor Vehicle for issuance of one (1) special license plate, to be affixed to his or her vehicle, if the applicant, a dependent of the applicant, or any individual who depends primarily on the applicant for more than sixty percent (60%) of his or her transportation is disabled under the definition of a person with a disability, as defined in § 27-15-302.

(2)(A) Except as provided under subsections (d) and (e) of this section, for every application for a special license plate issued under this section, the Department of Finance and Administration shall produce a photo identification card containing a color photograph of the person with a disability who is either:

(i) Applying for the special license plate; or

(ii) Being transported by the vehicle for which the special license plate is issued.

(B) The photo identification card issued under this subsection (a) shall be carried on the person for verification of identity.

(C) This subdivision (a)(2) applies to holders of or applicants for special license plates issued under this section who do not have a valid driver's license or identification card issued under the laws of this state.

(3)(A) An owner of a motor vehicle that is issued a special license plate under this section shall submit every four (4) years to the office a physician recertification of the person with a disability to be transported by the vehicle to continue to qualify for the special license plate, unless the person with a disability has a permanent disability.

(B) The photo identification card required in this subsection (a) must be renewed every four (4) years.

(4)(A) An organization that owns or leases a motor vehicle described in § 27-15-303 that is used in the business of transporting persons with disabilities may apply to the office for issuance of one (1) special license plate to be affixed to the vehicle for each vehicle used in the business.

(B) The requirements of a photo identification card and physician recertification in this subsection (a) shall not apply to an applicant in the business of transporting persons with disabilities as described in this subsection (a).

(b)(1) The special license plate issued by the office shall contain the international symbol of access.

(2) The special license plate shall be issued at no additional charge.

(c)(1) A person with a disability may apply to the office for a special person-with-a-disability certificate, subject to the photo identification card requirements of subsection (a) of this section.

(2) The special certificate shall conform in size, color, and construction as may be specified by federal rules issued by the United States Secretary of Transportation, pursuant to Pub. L. No. 100-641.

(3) When the special certificate is displayed on the inside rearview mirror, or the dashboard if the vehicle is of a type that does not have an inside rearview mirror, of a vehicle described in § 27-15-303 that is transporting the person to whom the special certificate was issued, the owner or operator of the motor vehicle shall be entitled to the same parking privileges as the owner or operator of a vehicle bearing a special license plate provided under subsection (a) of this section.

(4) The special certificate shall be issued free of charge and shall expire four (4) years from the last day of the month in which it is issued.

(5)(A) If a person to whom a special certificate or license plate has been issued moves to another state, the person shall surrender the special certificate or plate to the office.

(B) If a person to whom a special certificate or license plate has been issued dies, the special certificate or license plate shall be returned to the office within thirty (30) days after the death of the person to whom the special certificate or plate was issued.

(6)(A) The photo identification card issued under this section shall be issued upon payment of a transaction fee of five dollars (\$5.00) and shall expire four (4) years from the last day of the month in which it is issued.

(B) The transaction fee shall be deposited as special revenue into the State Central Services Fund to be used exclusively for the benefit of the Revenue Division of the Department of Finance and Administration.

(C) The transaction fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(D) The transaction fee shall not be considered or credited to the division as direct revenue.

(d)(1) In lieu of the photo identification card issued under this section, a person who holds a valid driver's license or identification card issued under the laws of this state may choose to have an endorsement on his or her driver's license or identification card that authorizes parking in areas designated as parking for a person with a disability.

(2) If a driver's license endorsement or identification card endorsement is chosen under this section, then the issuance and expiration of the driver's license shall correspond with the expiration date of the special person-with-a-disability certificate issued under this section.

(3)(A) The office shall not charge an additional fee for adding the endorsement on a currently issued driver's license or identification card.



(B) Any person who applies for and does not currently have a driver's license or identification card and requests the endorsement shall pay only the fee required under current law for the issuance of a driver's license or identification card and shall not pay an additional fee for the endorsement.

(e)(1) A person who is a resident of a facility that provides long-term medical care or personal care is not required to obtain a photo identification card that displays a photograph of the person with a disability but instead shall carry on the person documentation from the administrator of the facility attesting that the person is a resident of the facility.

(2) This subsection (e) applies to the following facilities including without limitation:

- (A) A licensed nursing home;
- (B) A licensed residential care facility; or
- (C) A licensed assisted living facility.

**History.** Acts 1985, No. 907, §§ 3, 4; A.S.A. 1947, §§ 75-296.5, 75-296.6; Acts 1991, No. 656, § 6; 2001, No. 609, §§ 3, 4; 2005, No. 2202, § 2; 2007, No. 753, § 2.

**A.C.R.C. Notes.** Acts 2007, No. 753, § 1, provided: "The amendments to § 27-15-308 by Acts 2007, No. 753, § 2 are effective January 1, 2008."

**Amendments.** The 2005 amendment made no changes to this section.

The 2007 amendment, in (a), added the (1) designation, deleted "or if the applicant is an organization owning the vehicle for which the special license is to be affixed and the organization's vehicle is pri-

marily used to transport persons with disabilities, as defined in § 27-15-302(3)" at the end of (1), and added (2) through (4); deleted "and a white figure on an international blue background" at the end of (b)(1); in (c), added the (1)(A) designation and added "subject to the photo identification card requirements of subsection (a) of this section," rewrote (4), and added (6); added (d) and (e); and made related changes.

**U.S. Code.** Pub. L. No. 100-641, referred to in this section, is codified as a note under 23 U.S.C. § 402.

## 27-15-309. [Repealed.]

**Publisher's Notes.** This section, concerning decals, was repealed by Acts 1991, No. 656, § 14. The section was derived

from Acts 1985, No. 907, § 5; A.S.A. 1947, § 75-296.7.

## 27-15-310. Display of special license plate or certificate.

(a) No vehicle licensed by the State of Arkansas to operate on the public highways shall display a special license plate issued for a vehicle owned by a person with a disability, or a facsimile thereof, unless the owner or primary user of the vehicle meets the definition of person with a disability as defined in § 27-15-302.

(b) No vehicle shall display the special certificate unless the vehicle is being used for the purpose of transporting the person to whom the special certificate was issued.

**History.** Acts 1985, No. 907, § 6; A.S.A. 1947, § 75-296.8; Acts 1991, No. 656, § 7; 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.



**27-15-311. Reciprocity.**

Any motor vehicle licensed in another state which exhibits a special license plate or other special authorized vehicle designations issued by licensing authorities of other states for vehicles used in the transportation of persons with disabilities shall be accorded the privileges as provided in this subchapter for similar vehicles licensed in this state, as is required under the provisions of Pub. L. No. 100-641, and rules issued pursuant thereto by the United States Secretary of Transportation.

**History.** Acts 1985, No. 907, § 6; A.S.A. 1947, § 75-296.8; Acts 1991, No. 656, § 9; 1995, No. 1296, § 91; 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

**U.S. Code.** Pub. L. No. 100-641, referred to in this section, is codified as a note under 23 U.S.C. § 402.

**27-15-312. Parking privileges — Exceptions.**

(a)(1) A vehicle displaying a special license plate or special certificate and being used for the actual transporting of a person with a disability is permitted exclusive parking privileges in those areas designated for parking only by persons with disabilities.

(2)(A) Except as provided under subdivision (a)(2)(B) of this section, a parking space reserved for a person with a disability that is designated as “van accessible” shall be used exclusively by vehicles that load or unload a wheelchair, a three- or four-wheeled scooter, or a similar device that is commonly used to transport persons who have limited or no use of their legs.

(B) If the parking lot or parking facility has only one (1) parking space reserved for a person with a disability, then the limitation of use under subsection (a)(2)(A) shall not apply.

(b)(1) The provisions of this subchapter pertaining to parking privileges for persons with disabilities shall supersede any local ordinances where they conflict.

(2) However, any county or municipality may enact local ordinances to provide for restrictions on parking privileges for all persons which also shall be applicable to persons with disabilities when the local ordinances apply:

(A) To zones where stopping, standing, or parking is prohibited for all vehicles;

(B) To the prohibition of parking during heavy traffic periods such as rush hours or where parking would clearly present a traffic hazard for the general public;

(C) To parking zones restricted as to the length of parking time permitted;

(D) To zones reserved for special types of vehicles, except for those zones authorized for exclusive use by emergency vehicles or ambulances, or authorized as bus stop areas or loading zones; and

(E)(i) To any parking meter fees levied by any local ordinances of any political subdivision in this state.

(ii) Provided, any county or municipality may by ordinance waive parking meter fees for a vehicle displaying a special license plate or special certificate and being used for the actual transporting of a person with a disability.

**History.** Acts 1985, No. 907, § 7; A.S.A. 1947, § 75-296.9; Acts 1987, No. 59, § 1; 1991, No. 656, § 10; 1995, No. 780, § 1; 1997, No. 124, § 1; 2003, No. 1353, § 1; 2005, No. 2202, § 2; 2007, No. 753, § 3.

**Amendments.** The 2005 amendment made no changes to this section.

The 2007 amendment, in (a)(2), added (B) and rewrote present (A).

### 27-15-313. [Repealed.]

**Publisher's Notes.** This section, concerning parking facilities on public property, was repealed by Acts 1999, No. 1503, § 6. The section was derived from Acts

1985, No. 907, § 8; A.S.A. 1947, § 75-296.10; Acts 1987, No. 59, § 2; 1991, No. 656, § 11.

### 27-15-314. Parking spaces by private agencies.

(a)(1) Any business firm or other person licensed to do business with the public or owning or operating a business that provides parking access to the public may provide specially designated and marked motor vehicle parking spaces for the exclusive use of persons with disabilities who have been issued a special license plate or special certificate.

(2) Private businesses that provide parking access intended for use by the public that are constructed after January 1, 1992, and private businesses that undertake significant physical modifications or alterations of their premises after January 1, 1992, shall provide parking spaces in such number and otherwise in accordance with the standards set forth in regulations promulgated by the Department of Finance and Administration that would be consistent with Pub. L. No. 100-641 and rules issued pursuant thereto by the United States Secretary of Transportation.

(b) The minimum number of parking spaces shall comply with the requirements of the Americans with Disabilities Act.

**History.** Acts 1985, No. 907, § 9; A.S.A. 1947, § 75-296.11; Acts 1987, No. 59, § 3; 1991, No. 656, § 12; 1999, No. 1503, § 4; 2001, No. 609, § 5; 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

**U.S. Code.** The Americans with Dis-

abilities Act, referred to in this section, is codified primarily as 42 U.S.C. § 12101 et seq.

Public Law 100-641, referred to in this section, is codified as a note under 23 U.S.C. § 402.

### 27-15-315. Signs regulatory in nature.

(a) For the purposes of this subchapter and for the purposes of enforcing any law of this state relating to penalizing owners or operators of vehicles who park vehicles in spaces designated for use by persons with disabilities and whose vehicles do not properly and legally

display a special license plate or a special certificate provided under this subchapter, it shall be presumed that the identification of areas designated for use by persons with disabilities is regulatory in nature and that the identified areas are intended for exclusive use by persons with disabilities whose vehicles are properly identified and that penalties should be imposed on the owner or operator of a vehicle parked in those areas whose vehicle is not properly identified.

(b)(1) Any of the following designations that are displayed on each parking space for persons with disabilities and visible to the driver's eye level shall be enforced as provided under this subchapter and are regulatory in nature:

(A) A sign that displays the blue and white international symbol of access accompanied by one (1) or more of the phrases referenced under subdivision (b)(1)(B) of this section;

(B) A sign that states any of the following:

(i) "Disabled Parking";

(ii) "Van Accessible";

(iii) "Handicapped Parking";

(iv) "Reserved for Handicapped";

(v) "Reserved Parking" with the blue and white international symbol of access; or

(vi) "Permit Required — Towing Enforced"; or

(C) A sign that is compliant with R7-8, R7-8a, or R7-8b of the Manual on Uniform Traffic Control Devices promulgated by the Federal Highway Administration of the United States Department of Transportation.

(2) Corresponding pavement markings of the blue and white international symbol of access are preferred but not required for enforcement of this subchapter.

**History.** Acts 1985, No. 907, § 10; A.S.A. 1947, § 75-296.12; Acts 1987, No. 59, § 4; 1991, No. 656, § 13; 2005, No. 2202, § 2; 2007, No. 753, § 4. The 2007 amendment substituted "presumed" for "assumed" in (a), and rewrote (b).

**Amendments.** The 2005 amendment made no changes to this section.

## 27-15-316. Disabled veterans.

(a) As used in this section, "disabled veteran" means any American veteran who:

(1) Has been determined by the United States Department of Veterans Affairs to be a totally and permanently disabled veteran; and

(2) Is either:

(A) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or

(B) Issued a motor vehicle by the United States Department of Veterans Affairs under any public law.



(b) A vehicle that meets the following conditions is permitted parking privileges in those areas designated for parking only by a person with a disability under this subchapter.

(1) The vehicle must display a disabled veteran special license plate issued to a disabled veteran by the Department of Finance and Administration under § 27-24-204(a)(1), § 27-24-204(a)(2), or § 27-24-204(a)(3), or a valid disabled veteran license plate issued by another state; and

(2) The vehicle must be in use for the actual transporting of a disabled veteran.

**History.** Acts 2007, No. 349, § 1.

## SUBCHAPTER 4 — DISABLED VETERANS — IN GENERAL [REPEALED]

### SECTION.

27-15-401 — 27-15-408. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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## 27-15-401 — 27-15-408. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-401. Acts 1969, No. 36, § 2; A.S.A. 1947, § 75-266.4.

27-15-402. Acts 1969, No. 36, § 5; A.S.A. 1947, § 75-266.7; Acts 1999, No. 1503, § 5.

27-15-403. Acts 1969, No. 36, § 1; A.S.A. 1947, § 75-266.3.

27-15-404. Acts 1969, No. 36, § 3; A.S.A. 1947, § 75-266.5.

27-15-405. Acts 1969, No. 36, § 4; 1979, No. 56, § 1; 1981, No. 405, § 1; A.S.A. 1947, §§ 75-261.1, 75-266.6.

27-15-406. Acts 1969, No. 36, § 3; A.S.A. 1947, § 75-266.5.

27-15-407. Acts 1995, No. 310, § 1; 1997, No. 1327, § 1.

27-15-408. Acts 2003, No. 206, § 1.

## SUBCHAPTER 5 — DISABLED VETERANS — LICENSE FOR FURNISHED AUTOMOBILES [REPEALED]

### SECTION.

27-15-501 — 27-15-506. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

### 27-15-501 — 27-15-506. [Repealed.]

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-501. Acts 1949, No. 7, § 7; A.S.A. 1947, § 75-266.

27-15-502. Acts 1949, No. 7, § 1; 1949, No. 322, § 1; A.S.A. 1947, § 75-261.

27-15-503. Acts 1949, No. 7, § 6; 1979,

No. 56, § 1; 1981, No. 405, § 1; A.S.A. 1947, §§ 75-261.1, 75-265.

27-15-504. Acts 1949, No. 7, § 3; A.S.A. 1947, § 75-263.

27-15-505. Acts 1949, No. 7, § 2; A.S.A. 1947, § 75-262.

27-15-506. Acts 1949, No. 7, § 5; A.S.A. 1947, § 75-264.

## SUBCHAPTER 6 — DISABLED VETERANS — WORLD WAR I [REPEALED]

### SECTION.

27-15-601 — 27-15-603. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was nec-

essary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the spe-

cial license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health,

and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**27-15-601 — 27-15-603. [Repealed.]**

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:  
 27-15-601. Acts 1969, No. 57, § 2; A.S.A. 1947, § 75-266.2.

27-15-602. Acts 1969, No. 57, § 1; A.S.A. 1947, § 75-266.1.  
 27-15-603. Acts 1979, No. 56, § 1; 1981, No. 405, § 1; A.S.A. 1947, § 75-261.1.

**SUBCHAPTER 7 — DISABLED VETERANS — NONSERVICE INJURIES  
 [REPEALED]**

SECTION.  
 27-15-701, 27-15-702. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**27-15-701, 27-15-702. [Repealed.]**

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:



27-15-701. Acts 1979, No. 30, § 1; A.S.A. 1947, § 75-266.17; Acts 1997, No. 208, § 31. 27-15-702. Acts 1979, No. 30, § 2; A.S.A. 1947, § 75-266.18.

## SUBCHAPTER 8 — MEDAL OF HONOR RECIPIENTS [REPEALED]

### SECTION.

27-15-801 — 27-15-807. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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## 27-15-801 — 27-15-807. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-801. Acts 1977, No. 207, § 1; A.S.A. 1947, § 75-266.8.

27-15-802. Acts 1977, No. 207, § 2; A.S.A. 1947, § 75-266.9.

27-15-803. Acts 1977, No. 207, § 4; A.S.A. 1947, § 75-266.11.

27-15-804. Acts 1977, No. 207, § 3; A.S.A. 1947, § 75-266.10.

27-15-805. Acts 1977, No. 207, § 4; A.S.A. 1947, § 75-266.11.

27-15-806. Acts 1977, No. 207, § 5; A.S.A. 1947, § 75-266.12.

27-15-807. Acts 1995, No. 310, § 2.

## SUBCHAPTER 9 — PURPLE HEART RECIPIENTS [REPEALED]

### SECTION.

27-15-901 — 27-15-903. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate

law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that

this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore,

an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**27-15-901 — 27-15-903. [Repealed.]**

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:  
27-15-901. Acts 1985, No. 891, § 1; A.S.A. 1947, § 75-295.8; Acts 1989, No.

343, § 1; 1991, No. 377, § 1; 1997, No. 269, § 1.  
27-15-902. Acts 1985, No. 891, § 2; A.S.A. 1947, § 75-295.9.  
27-15-903. Acts 1985, No. 891, § 3; A.S.A. 1947, § 75-295.10.

**SUBCHAPTER 10 — EX-PRISONERS OF WAR [REPEALED]**

SECTION.  
27-15-1001 — 27-15-1007. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**27-15-1001 — 27-15-1007. [Repealed.]**

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2.

The subchapter was derived from the following sources:

27-15-1001. Acts 1979, No. 7, § 1; A.S.A. 1947, § 75-266.13.

27-15-1002. Acts 1979, No. 7, §§ 1, 2; A.S.A. 1947, §§ 75-266.13, 75-266.14; Acts 1995, No. 1296, § 92; 1997, No. 270, § 1.

27-15-1003. Acts 1979, No. 7, § 1; A.S.A. 1947, § 75-266.13.

27-15-1004. Acts 1979, No. 56, § 1; 1981, No. 405, § 1; A.S.A. 1947, § 75-261.1.

27-15-1005. Acts 1979, No. 7, § 3; A.S.A. 1947, § 75-266.15.

27-15-1006. Acts 1979, No. 7, § 4; A.S.A. 1947, § 75-266.16.

27-15-1007. Acts 1987, No. 61, § 1.

## SUBCHAPTER 11 — MILITARY RESERVE [REPEALED]

### SECTION.

27-15-1101 — 27-15-1107. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## 27-15-1101 — 27-15-1107. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1101. Acts 1981, No. 475, § 4; A.S.A. 1947, § 75-295.3.

27-15-1102. Acts 1981, No. 475, §§ 1, 3; A.S.A. 1947, §§ 75-295, 75-295.2.

27-15-1103. Acts 1981, No. 475, § 2; A.S.A. 1947, § 75-295.1.

27-15-1104. Acts 1981, No. 475, § 3; A.S.A. 1947, § 75-295.2.

27-15-1105. Acts 1981, No. 475, § 1; A.S.A. 1947, § 75-295.

27-15-1106. Acts 1981, No. 475, § 1; A.S.A. 1947, § 75-295.

27-15-1107. Acts 1981, No. 475, § 3; A.S.A. 1947, § 75-295.2.

## SUBCHAPTER 12 — UNITED STATES ARMED FORCES RETIRED [REPEALED]

### SECTION.

27-15-1201 — 27-15-1204. [Repealed.]



**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## 27-15-1201 — 27-15-1204. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1201. Acts 1985, No. 157, § 4; A.S.A. 1947, § 75-295.7.  
27-15-1202. Acts 1985, No. 157, §§ 1, 3;

A.S.A. 1947, §§ 75-295.4, 75-295.6; Acts 1991, No. 31, § 1; 1991, No. 372, § 1; 1993, No. 613, § 1; 2001, No. 1269, § 1.

27-15-1203. Acts 1985, No. 157, § 2; A.S.A. 1947, § 75-295.5.

27-15-1204. Acts 1985, No. 157, § 3; A.S.A. 1947, § 75-295.6.

## SUBCHAPTER 13 — PUBLIC USE VEHICLES — LOCAL GOVERNMENT [REPEALED]

### SECTION.

27-15-1301 — 27-15-1303. [Repealed.]  
27-15-1304. [Repealed.]

### SECTION.

27-15-1305. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

**27-15-1301 — 27-15-1303. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1301. Acts 1943, No. 144, § 6; A.S.A. 1947, § 75-245.

27-15-1302. Acts 1943, No. 144, § 1; A.S.A. 1947, § 75-240.

27-15-1303. Acts 1943, No. 144, §§ 2, 3, 6; A.S.A. 1947, §§ 75-241, 75-242, 75-245.

**27-15-1304. [Repealed.]**

**Publisher's Notes.** This section, concerning payment of gross receipts tax required, was repealed by Acts 1995, No.

555, § 1. The section was derived from Acts 1943, No. 144, § 5; A.S.A. 1947, § 75-244.

**27-15-1305. [Repealed.]**

**Publisher's Notes.** This section, concerning term, design, and attachment of plates, was repealed by Acts 2005, No.

2202, § 2. The section was derived from Acts 1943, No. 144, § 4; A.S.A. 1947, § 75-243; Acts 1989, No. 278, § 1.

## **SUBCHAPTER 14 — PUBLIC USE VEHICLES — STATE GOVERNMENT [REPEALED]**

### **SECTION.**

27-15-1401. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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**27-15-1401. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from Acts

1933, No. 92, §§ 3, 4; Pope's Dig., §§ 6616, 6617; A.S.A. 1947, §§ 75-246, 75-247.

## SUBCHAPTER 15 — PUBLIC USE VEHICLES — FEDERAL GOVERNMENT [REPEALED]

### SECTION.

27-15-1501. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

### 27-15-1501. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from Acts

1929, No. 65, § 35; Pope's Dig., § 6635; A.S.A. 1947, § 75-248.

## SUBCHAPTER 16 — MEMBERS OF GENERAL ASSEMBLY [REPEALED]

### SECTION.

27-15-1601 — 27-15-1606. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to

the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor



vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is

vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

## 27-15-1601 — 27-15-1606. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1601. Acts 1955, No. 213, § 1; A.S.A. 1947, § 75-270.

27-15-1602. Acts 1955, No. 213, § 3; 1959, No. 11, § 1; A.S.A. 1947, § 75-272.

27-15-1603. Acts 1955, No. 213, § 2; 1963, No. 195, § 1; 1971, No. 253, § 1;

A.S.A. 1947, § 75-271; Acts 1991, No. 1041, § 1.

27-15-1604. Acts 1955, No. 213, § 1; A.S.A. 1947, § 75-270.

27-15-1605. Acts 1955, No. 213, § 4; A.S.A. 1947, § 75-273; Acts 1991, No. 1041, § 2.

27-15-1606. Acts 1985, No. 140, §§ 1, 2; A.S.A. 1947, §§ 75-273.1, 75-273.2; Acts 1991, No. 1041, § 3.

## SUBCHAPTER 17 — GAME AND FISH COMMISSION [REPEALED]

### SECTION.

27-15-1701 — 27-15-1703. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

## 27-15-1701 — 27-15-1703. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1701. Acts 1985, No. 298, § 1; A.S.A. 1947, § 75-297.1.

27-15-1702. Acts 1985, No. 298, § 2; A.S.A. 1947, § 75-297.2.

27-15-1703. Acts 1985, No. 298, § 3; A.S.A. 1947, § 75-297.3.

SUBCHAPTER 18 — VOLUNTEER RESCUE SQUADS [REPEALED]

SECTION.

27-15-1801 — 27-15-1805. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

27-15-1801 — 27-15-1805. [Repealed.]

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:  
 27-15-1801. Acts 1969, No. 315, § 2; A.S.A. 1947, § 75-290.  
 27-15-1802. Acts 1969, No. 315, § 1; A.S.A. 1947, § 75-289.

27-15-1803. Acts 1969, No. 315, § 1; A.S.A. 1947, § 75-289.  
 27-15-1804. Acts 1969, No. 315, § 1; A.S.A. 1947, § 75-289.  
 27-15-1805. Acts 1969, No. 315, § 3; A.S.A. 1947, § 75-291.

SUBCHAPTER 19 — RELIGIOUS ORGANIZATIONS [REPEALED]

SECTION.

27-15-1901 — 27-15-1906. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to

implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore,

an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor

vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## 27-15-1901 — 27-15-1906. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-1901. Acts 1947, No. 45, § 3; A.S.A. 1947, § 75-213.

27-15-1902. Acts 1947, No. 45, § 6; A.S.A. 1947, § 75-216.

27-15-1903. Acts 1947, No. 45, §§ 1, 2; A.S.A. 1947, §§ 75-211, 75-212.

27-15-1904. Acts 1947, No. 45, §§ 2, 6; A.S.A. 1947, §§ 75-212, 75-216.

27-15-1905. Acts 1947, No. 45, § 4; A.S.A. 1947, § 75-214.

27-15-1906. Acts 1947, No. 45, § 5; A.S.A. 1947, § 75-215.

## SUBCHAPTER 20 — YOUTH GROUPS [REPEALED]

### SECTION.

27-15-2001 — 27-15-2003. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## 27-15-2001 — 27-15-2003. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2001. Acts 1965, No. 423, §§ 1, 2; A.S.A. 1947, §§ 75-283, 75-284.

27-15-2002. Acts 1975, No. 594, §§ 1, 2; A.S.A. 1947, §§ 75-284.1, 75-284.2.

27-15-2003. Acts 1959, No. 189, §§ 1, 2; A.S.A. 1947, §§ 75-279, 75-280.



## SUBCHAPTER 21 — ORPHANAGES [REPEALED]

SECTION.  
27-15-2101. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

## 27-15-2101. [Repealed.]

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from Acts

1959, No. 122, §§ 1, 2; A.S.A. 1947, §§ 75-277, 75-278.

## SUBCHAPTER 22 — HISTORICAL OR SPECIAL INTEREST VEHICLES

SECTION.  
27-15-2201. Definitions.  
27-15-2202. Registration — Fee.  
27-15-2203. Affidavit — Vehicle restored to original specifications required.  
27-15-2204. Assemblage of vehicle.

SECTION.  
27-15-2205. Equipment.  
27-15-2206. Limitations on use.  
27-15-2207. Storage regulation.  
27-15-2208. Sale or transfer.  
27-15-2209. Alternative license plates for antique motor vehicles.

**A.C.R.C. Notes.** References to “this subchapter” in §§ 27-15-2201 — 27-15-2208 may not apply to § 27-15-2209, which was enacted subsequently.  
**Effective Dates.** Acts 1979, No. 440, §§ 4, 7: July 1, 1979. Emergency clause provided: “It is hereby found and determined by the General Assembly that existing highway user revenue sources do not provide for the adequate maintenance, repair, construction and reconstruction of

state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order to finance adequate highway, road and street maintenance and construction programs; that the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets is not provided; and

that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July first of 1979."

Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the

authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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## 27-15-2201. Definitions.

As used in this subchapter:

(1) "Collector" means the owner of one (1) or more motor vehicles of historic or special interest who collects, purchases, acquires, trades, or disposes of those vehicles, or parts thereof, for his or her own use in order to preserve, restore, and maintain a vehicle or vehicles for hobby purposes;

(2)(A) "Historic or special interest vehicle" means a vehicle of age which is essentially unaltered from the original manufacturer's specifications and which, because of its significance, is being collected, preserved, restored, or maintained by a hobbyist as a leisure pursuit.

(B) "Historic or special interest vehicle" shall include a vehicle sometimes referred to by the classifications of antique, horseless carriage, classic, or action era.

(C)(i) Vehicles with modifications or deviations from the original specifications may be permitted under this classification if the modifications or deviations are of historic nature and characteristic of the approximate era to which the vehicles belong or if they could be considered to be in the category of safety features.

(ii) Safety-related modifications include hydraulic brakes, seal-beam headlights, and seat belts.

(iii) Accessories acceptable under such classifications are those available in the era to which the vehicles belong; and

(3) "Parts car" means a motor vehicle generally in nonoperable condition which is owned by a collector to furnish parts that are usually not obtainable from normal sources, thus enabling a collector to preserve, restore, and maintain a vehicle of historic or special interest.

**History.** Acts 1975, No. 334, § 1; A.S.A. 1947, § 75-201.8; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

### 27-15-2202. Registration — Fee.

(a)(1) Any person who is the owner of an historic or special interest vehicle that is twenty-five (25) years of age or older at the time of making application for registration or transfer of title may, upon application, register it as an historic or special interest vehicle, upon the payment of a fee of seven dollars (\$7.00) for each vehicle, and be furnished a license plate of distinctive design to be displayed on each vehicle in lieu of the usual license plate.

(2) This plate shall have the same legal significance as an ordinary license plate.

(3) In addition to the identification number, this plate shall identify the vehicle as an historic or antique vehicle owned by an Arkansas collector.

(4) The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

(b)(1) The numbering of these plates shall continue chronologically from the existing antique automobile registration lists, using the current design and emblem.

(2) Application for these plates shall be made to the Office of Motor Vehicle on special application forms prescribed by the Commissioner of Motor Vehicles.

(c) Upon selling or otherwise relinquishing ownership of an historic or special interest vehicle, a collector may retain possession of the vehicle plate and transfer its registration to another vehicle of the same category in his or her possession, upon payment of one-half (½) the fee prescribed in subsection (a) of this section.

(d)(1) A vehicle manufactured as a reproduction or facsimile of an historic or special interest vehicle shall not be eligible for registration under this section unless it has been in existence for twenty-five (25) years or more.

(2) The age shall be calculated from the date the vehicle was originally assembled as a facsimile.

(e) Collectors who, on July 8, 1975, have vehicles licensed as antiques under current statutes shall not be required to register these vehicles or obtain new license plates for these vehicles.

(f) Beginning on January 1, 2006, each collector applying for a license plate under this subchapter shall own and have registered one (1) or more motor vehicles that he or she uses for regular transportation.

**History.** Acts 1975, No. 334, § 2; 1979, No. 440, § 2; A.S.A. 1947, § 75-201.9; Acts 1999, No. 102, § 1; 2005, No. 2202, § 2; 2005, No. 2324, § 1.

**Amendments.** The 2005 amendment by No. 2202 made no changes to this section.

The 2005 amendment by No. 2324 de-



leted former (c) and redesignated the remaining subsections accordingly; and added (f).

### **27-15-2203. Affidavit — Vehicle restored to original specifications required.**

(a) Any person making application for an antique motor vehicle license plate under § 27-15-2202 shall transmit to the Office of Motor Vehicle an affidavit signed by the applicant stating that the motor vehicle described in the application is restored to its original specifications as closely as is reasonably possible and that the applicant will relinquish the antique motor vehicle license plate in the event that the motor vehicle is altered from its original specifications, except to the extent authorized or required by law.

(b)(1) Beginning on January 1, 2006, the office shall require the owner of any antique motor vehicle licensed under this subchapter to provide the office proof of conformity with this subchapter.

(2) If the office determines that the owner of such an antique motor vehicle is in violation of this section, the antique motor vehicle license plate shall be seized by the office and the owner fined one hundred dollars (\$100).

**History.** Acts 1983, No. 897, §§ 1, 2; A.S.A. 1947, §§ 75-201.9a, 75-201.9b; Acts 2005, No. 2202, § 2; 2005, No. 2324, § 2.

**Amendments.** The 2005 amendment by No. 2202 made no changes to this section.

The 2005 amendment by No. 2324 substituted "Beginning on January 1, 2006" for "Upon notification of a violation of this section" in (b)(1); and substituted "one hundred dollars (\$100)" for "thirty-seven dollars and fifty cents (\$37.50)" in (b)(2).

### **27-15-2204. Assemblage of vehicle.**

(a)(1) A collector who has assembled a vehicle meeting the specifications of this subchapter from parts obtained from a variety of different sources and at various different times shall be issued a title upon furnishing a bill or bills of sale for the components.

(2) In cases when that evidence by itself is deemed inadequate, the collector shall execute an affidavit in verification.

(b) To be considered adequate, bills of sale shall be notarized and shall indicate the source of the engine and body and shall list the identification or serial number of the engine and body for the chassis, if applicable.

**History.** Acts 1975, No. 334, § 6; A.S.A. 1947, § 75-201.13; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

### **27-15-2205. Equipment.**

(a) Unless the presence of equipment specifically named by Arkansas law was a prior condition for legal sale within Arkansas at the time the historic or special interest vehicle was manufactured for first use, the

presence of such equipment shall not be required as a condition for current legal use.

(b) Any motor vehicle of historic or special interest manufactured prior to the date that emission controls were standard equipment on that particular make or model of vehicle is exempted from statutes requiring the inspection and use of emission controls.

(c) Any safety equipment that was manufactured as part of the vehicle's original equipment must be in proper operating condition.

**History.** Acts 1975, No. 334, § 5; A.S.A. 1947, § 75-201.12; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

### **27-15-2206. Limitations on use.**

(a)(1) Historic or special interest vehicles may be used for the same purposes and under the same conditions as other motor vehicles of the same type except that, under ordinary circumstances, such vehicles may not be used to transport passengers for hire.

(2) At special events that are sponsored or in which participation is by organized clubs, the vehicles may transport passengers for hire only if money received is to be used for club activities or to be donated to a charitable nonprofit organization.

(b) Trucks of such classification may not haul material more than one thousand pounds (1,000 lbs.) nor be used regularly in a business in lieu of other vehicles with regular license plates.

**History.** Acts 1975, No. 334, § 3; A.S.A. 1947, § 75-201.10; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

### **27-15-2207. Storage regulation.**

Subject to land use regulations of a county or municipality, a collector may store any vehicles, licensed or unlicensed, operable or inoperable, on his or her property if:

(1) The vehicles, parts cars, and any outdoor storage areas are maintained in such a manner that they do not constitute a health hazard; and

(2) The vehicles are located away from ordinary public view or are screened from ordinary public view by means of natural objects, fences, plantings, opaque covering, or other appropriate means.

**History.** Acts 1975, No. 334, § 4; A.S.A. 1947, § 75-201.11; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

### **27-15-2208. Sale or transfer.**

The sale or trade and subsequent legal transfer of ownership of a motor vehicle or parts car of historic or special interest shall not be

contingent upon any condition that would require the vehicle or parts car to be in operating condition at the time of the sale or transfer of ownership.

**History.** Acts 1975, No. 334, § 6; A.S.A. 1947, § 75-201.13; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

### **27-15-2209. Alternative license plates for antique motor vehicles.**

(a) As used in this section, "antique license plate" means a license plate that:

(1) Is approved for issuance under subsection (e) of this section for an historic or special interest vehicle as defined under § 27-15-2201(2) that is more than twenty-five (25) years of age instead of the special license plate issued under § 27-15-2202; and

(2) Was issued by and approved for use in the State of Arkansas in the same year as the model year of the vehicle that is being licensed.

(b) If a person is eligible for a special license plate for an historic or special interest vehicle, the person may choose to use an antique license plate under this section instead of a license plate that is currently issued under § 27-15-2202 by the Office of Motor Vehicle.

(c) An applicant who seeks to use an antique license plate under this section shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle; and

(2) A handling and administrative fee in the amount of ten dollars (\$10.00).

(d) To renew an antique license plate under this section, the owner of the motor vehicle shall remit the fee required by law for the registration and licensing of the motor vehicle.

(e)(1) An applicant who seeks to use an antique license plate other than the special license plate issued by the office under § 27-15-2202 shall be required to submit the license plate to the office for inspection to determine whether the antique license plate may be used.

(2) If the office determines that the antique license plate is unacceptable, the applicant shall not be allowed to use the antique license plate.

(3) The reasons for which the office may prohibit the use of an antique license plate include, but shall not be limited to:

(A) The antique license plate does not meet reasonable reflective and safety standards;

(B) The number of the antique license plate is the same as the number issued to a license plate that is currently in circulation; and

(C) The administrative costs associated with recording and maintaining the antique license plate are prohibitive.

(4) The office may promulgate rules to administer the provisions of this section.



**History.** Acts 2005, No. 2240, § 1.  
**A.C.R.C. Notes.** References to “this subchapter” in §§ 27-15-2201 — 27-15-

2208 may not apply to this section, which was enacted subsequently.

SUBCHAPTER 23 — ANTIQUE MOTORCYCLES

SECTION.  
 27-15-2301. Definition.  
 27-15-2302. Reproductions.  
 27-15-2303. Ownership requirement.  
 27-15-2304. Registration — Fee.

SECTION.  
 27-15-2305. Transfer of registration.  
 27-15-2306. Use.  
 27-15-2307. Alternative license plates for antique motorcycles.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

27-15-2301. Definition.

- (a) “Antique motorcycle” means a motorcycle which is at least twenty-five (25) years old and essentially unaltered from the original manufacturer’s specifications and which is being collected, preserved, restored, or maintained by a hobbyist as a leisure pursuit.
- (b) Modifications or deviations from the original specifications may be permitted under this classification if the modifications or deviations are of an historic nature and characteristic of the approximate era to which the motorcycle belongs or if they could be considered to be in the category of safety features.

**History.** Acts 1979, No. 397, § 1; A.S.A. 1947, § 75-201.14; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

**27-15-2302. Reproductions.**

(a) A motorcycle manufactured as a reproduction or facsimile of an antique motorcycle shall not be eligible for registration under this section unless it has been in existence for twenty-five (25) years or more.

(b) The age shall be calculated from the date the vehicle was originally assembled as a facsimile.

**History.** Acts 1979, No. 397, § 3; A.S.A. 1947, § 75-201.16; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

**27-15-2303. Ownership requirement.**

Each collector applying for an antique motorcycle license plate must own and have registered one (1) or more motorcycles with regular plates.

**History.** Acts 1979, No. 397, § 3; A.S.A. 1947, § 75-201.16; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

**27-15-2304. Registration — Fee.**

(a) Any person who is the owner of an antique motorcycle may, upon application to the Office of Motor Vehicle, register it as an antique motorcycle upon the payment of a fee of five dollars (\$5.00) and be furnished a license plate of distinctive design to be displayed in lieu of the usual license plate.

(b) This plate, in addition to the identification number, shall identify the vehicle as an antique motorcycle owned by an Arkansas collector.

(c) The registration shall be valid while the motorcycle is owned by the applicant without the payment of any additional fee, tax, or license.

**History.** Acts 1979, No. 397, § 2; A.S.A. 1947, § 75-201.15; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

**27-15-2305. Transfer of registration.**

Upon selling or otherwise relinquishing ownership of an antique motorcycle, a collector may retain possession of the antique motorcycle license plate and transfer its registration to another antique motorcycle in his or her possession upon payment of one-half (½) of the fee prescribed in § 27-15-2304.

**History.** Acts 1979, No. 397, § 3; A.S.A. 1947, § 75-201.16; Acts 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

**27-15-2306. Use.**

Antique motorcycles may be used for the same purposes and under the same conditions as other motorcycles of the same type.

**History.** Acts 1979, No. 397, § 4; A.S.A. § 2. **Amendments.** The 2005 amendment 1947, § 75-201.17; Acts 2005, No. 2202, made no changes to this section.

**27-15-2307. Alternative license plates for antique motorcycles.**

(a) As used in this section, “antique license plate” means a license plate that:

(1) Is approved for issuance under subsection (e) of this section for an antique motorcycle as defined under § 27-15-2301(a) that is more than twenty-five (25) years of age instead of the special license plate issued under § 27-15-2304; and

(2) Was issued by and approved for use in the State of Arkansas in the same year as the model year of the motorcycle that is being licensed.

(b) If a person is eligible for a special license plate for an antique motorcycle, the person may choose to use an antique license plate under this section instead of a license plate that is currently issued under § 27-15-2304 by the Office of Motor Vehicle.

(c) An applicant who seeks to use an antique license plate under this section shall remit the following fees:

(1) The fee required by law for the registration and licensing of the antique motorcycle; and

(2) A handling and administrative fee in the amount of ten dollars (\$10.00).

(d) To renew an antique license plate under this section, the owner of the antique motorcycle shall remit the fee required by law for the registration and licensing of the motorcycle.

(e)(1) An applicant who seeks to use an antique license plate other than the special license plate issued by the office under § 27-15-2304 shall be required to submit the license plate to the office for inspection to determine whether the antique license plate may be used.

(2) If the office determines that the antique license plate is unacceptable, the applicant shall not be allowed to use the antique license plate.

(3) The reasons for which the office may prohibit the use of an antique license plate include, but shall not be limited to:

(A) The antique license plate does not meet reasonable reflective and safety standards;

(B) The number of the antique license plate is the same as the number issued to a license plate that is currently in circulation; and

(C) The administrative costs associated with recording and maintaining the antique license plate are prohibitive.

(4) The office may promulgate rules to administer the provisions of this section.

**History.** Acts 2005, No. 2240, § 2.



**SUBCHAPTER 24 — AMATEUR RADIO OPERATORS****SECTION.**

27-15-2401. Special license plates authorized.

27-15-2402. Applications.

**SECTION.**

27-15-2403. Nontransferable.

27-15-2404. Rules and regulations.

27-15-2405. Lists for public information.

**Preambles.** Acts 1953, No. 146 contained a preamble which read: "Whereas, amateur radio operators throughout the world, and especially in the United States, have in times of flood, ice, windstorm, and other emergencies when regular communication facilities were disrupted, rendered invaluable services in carrying on communications thereby saving lives and property and providing contact between relatives and friends; and

"Whereas, such operators construct, operate and maintain their stations at their own expense and are prohibited by Federal law from making any charge for any service performed; and

"Whereas, a distinctive automobile tag would be a great aid to the Highway Patrol, sheriffs, The American Red Cross, municipal police officers and the National Guard in locating these amateur operators at times of public, or private, need;

"Now, therefore ... "

**Effective Dates.** Acts 1953, No. 146, § 5: approved Feb. 25, 1953. Emergency clause provided: "It is hereby ascertained and declared that there is a great need for providing amateur radio operators with distinctive motor vehicle license tags in order to make them easier to locate in times of emergency, and for this reason it is necessary for the preservation of the public peace, health, and safety that this Act become effective without delay. Now therefore, an emergency is declared and

this Act shall be in full force and effect from and after its passage."

Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

**27-15-2401. Special license plates authorized.**

(a)(1) Each owner of a motor vehicle who is a resident of the State of Arkansas and who holds an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission shall be issued a license plate as prescribed by law for private passenger cars upon application, accompanied by proof of ownership of an amateur radio station license, complying with the state motor

vehicle laws relating to regulation and licensing of motor vehicles and upon the payment of the regular license fee for plates as prescribed by law and the payment of an additional fee of two dollars (\$2.00).

(2) Upon the plate, in lieu of the numbers as prescribed by law, shall be inscribed the official amateur station call sign of the applicant as assigned by the Federal Communications Commission.

(b) This subchapter shall be supplementary to the motor vehicle licensing laws of the State of Arkansas, and nothing in this subchapter shall be construed to abridge or amend those laws.

**History.** Acts 1953, No. 146, §§ 1, 4; A.S.A. 1947, §§ 75-267, 75-269n; Acts 2005, No. 2202, § 2.                      **Amendments.** The 2005 amendment made no changes to this section.

**27-15-2402. Applications.**

All applications for special license plates under this subchapter shall be made to the Director of the Department of Finance and Administration.

**History.** Acts 1953, No. 146, § 2; A.S.A. 1947, § 75-268; Acts 2005, No. 2202, § 2.                      **Amendments.** The 2005 amendment made no changes to this section.

**27-15-2403. Nontransferable.**

Special license plates issued under this subchapter shall be nontransferable.

**History.** Acts 1953, No. 146, § 1; A.S.A. 1947, § 75-267; Acts 2005, No. 2202, § 2.                      **Amendments.** The 2005 amendment made no changes to this section.

**27-15-2404. Rules and regulations.**

The Director of the Department of Finance and Administration shall make such rules and regulations as are necessary to ascertain compliance with all state license laws relating to the use and operation of motor vehicles before issuing the special plates under this subchapter in lieu of the regular license plates.

**History.** Acts 1953, No. 146, § 2; A.S.A. 1947, § 75-268; Acts 2005, No. 2202, § 2.                      **Amendments.** The 2005 amendment made no changes to this section.

**27-15-2405. Lists for public information.**

(a) On or before March 1 of each year, the Director of the Department of Finance and Administration shall furnish to the sheriff of each county in the state an alphabetically arranged list of the names, addresses, and amateur station call signs on the license plates of all persons to whom license plates are issued under the provisions of this subchapter.

(b) It shall be the duty of the sheriffs of the state to maintain, and keep current, these lists for public information and inquiry.

**History.** Acts 1953, No. 146, § 3; A.S.A. 1947, § 75-269; Acts 2005, No. 2202, § 2. **Amendments.** The 2005 amendment made no changes to this section.

## SUBCHAPTER 25 — PEARL HARBOR SURVIVORS [REPEALED]

### SECTION.

27-15-2501 — 27-15-2505. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## 27-15-2501 — 27-15-2505. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2501. Acts 1987, No. 883, § 2.  
27-15-2502. Acts 1987, No. 883, § 1;  
2003, No. 1454, § 1.

27-15-2503. Acts 1987, No. 883, § 2;  
2003, No. 1454, § 2.

27-15-2504. Acts 1987, No. 883, § 2;  
1989, No. 284, § 1.

27-15-2505. Acts 1987, No. 883, § 3.

## SUBCHAPTER 26 — MERCHANT MARINE [REPEALED]

### SECTION.

27-15-2601 — 27-15-2604. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was nec-

essary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the spe-



cial license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health,

and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

## 27-15-2601 — 27-15-2604. [Repealed.]

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2601. Acts 1991, No. 837, § 1.  
27-15-2602. Acts 1991, No. 837, § 1.  
27-15-2603. Acts 1991, No. 837, § 1.  
27-15-2604. Acts 1991, No. 837, § 1.

## SUBCHAPTER 27 — FIREFIGHTERS [REPEALED]

### SECTION.

27-15-2701 — 27-15-2704. [Repealed.]

**Publisher’s Notes.** For present law, see § 27-24-1303.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the spe-

cial license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

## 27-15-2701 — 27-15-2704. [Repealed.]

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2701. Acts 1993, No. 569, § 1; 1997, No. 837, § 1.

27-15-2702. Acts 1993, No. 569, § 1; 1995, No. 1314, § 1; 1997, No. 837, § 2; 1999, No. 646, § 67.  
27-15-2703. Acts 1993, No. 569, § 1.  
27-15-2704. Acts 1993, No. 569, § 2.  
Former §§ 27-15-2702, 27-15-2703 and

27-15-2704 were also amended by Acts 2005, No. 28, §§ 1-3, which were subsequently subject to this repeal.

## SUBCHAPTER 28 — SPECIAL LICENSE PLATES FOR COUNTY QUORUM COURT MEMBERS [REPEALED]

### SECTION.

27-15-2801 — 27-15-2805. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## 27-15-2801 — 27-15-2805. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-2801. Acts 1993, No. 1248, § 1.

27-15-2802. Acts 1993, No. 1248, § 1.

27-15-2803. Acts 1993, No. 1248, § 1.

27-15-2804. Acts 1993, No. 1248, § 1.

27-15-2805. Acts 1993, No. 1248, § 1.

## SUBCHAPTER 29 — SPECIAL COLLEGIATE LICENSE PLATES [REPEALED]

### SECTION.

27-15-2901 — 27-15-2911. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was nec-

essary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the spe-

cial license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health,

and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

27-15-2901 — 27-15-2911. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:  
 27-15-2901. Acts 1993, No. 609, § 1.  
 27-15-2902. Acts 1993, No. 609, § 10; 1997, No. 208, § 32.  
 27-15-2903. Acts 1993, No. 609, §§ 2, 3.  
 27-15-2904. Acts 1993, No. 609, § 4.

27-15-2905. Acts 1993, No. 609, § 12.  
 27-15-2906. Acts 1993, No. 609, § 5.  
 27-15-2907. Acts 1993, No. 609, § 6; 2001, No. 999, § 1.  
 27-15-2908. Acts 1993, No. 609, § 7; 2001, No. 999, § 2.  
 27-15-2909. Acts 1993, No. 609, § 8.  
 27-15-2910. Acts 1993, No. 609, § 9.  
 27-15-2911. Acts 1993, No. 609, § 11.

SUBCHAPTER 30 — SPECIAL CIVIL AIR PATROL LICENSE PLATES  
 [REPEALED]

SECTION.  
 27-15-3001 — 27-15-3003. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

27-15-3001 — 27-15-3003. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2.

The subchapter was derived from the following sources:



27-15-3001. Acts 1995, No. 647, § 2.  
 27-15-3002. Acts 1995, No. 647, §§ 1, 3,  
 4; 1999, No. 1076, § 1.

27-15-3003. Acts 1995, No. 647, § 5.

## SUBCHAPTER 31 — SPECIAL SEARCH AND RESCUE LICENSE PLATES

### SECTION.

27-15-3101. Design of plates.

27-15-3102. Eligibility.

### SECTION.

27-15-3103. Regulations.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

### 27-15-3101. Design of plates.

(a) The Department of Finance and Administration shall design a search and rescue license plate for motor vehicles.

(b) The license plates shall be numbered consecutively and shall contain the words "Search and Rescue".

**History.** Acts 1997, No. 538, § 1; 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

### 27-15-3102. Eligibility.

(a) Every member of a search and rescue team who is a resident of this state and an owner of a motor vehicle may apply for a search and rescue license plate as provided in this subchapter.

(b)(1) Upon submitting proof of eligibility and complying with the state laws relating to registration and licensing of motor vehicles and the payment of thirty-five dollars (\$35.00) for the initial license plate, the applicant shall be issued a search and rescue license plate under this subchapter.

(2) The thirty-five dollar fee shall be deposited into the State Central Services Fund as a direct revenue for the support of the Department of Finance and Administration.

(3) Annual renewals of search and rescue license plates shall be at the same fee as is prescribed for regular motor vehicle license plates in § 27-14-601, and shall be disbursed accordingly.

(c)(1) No person shall be issued more than one (1) search and rescue license plate.

(2) The search and rescue license plates issued under this subchapter are not transferable.

**History.** Acts 1997, No. 538, § 1; 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

### 27-15-3103. Regulations.

The Department of Finance and Administration shall promulgate regulations necessary to implement this subchapter.

**History.** Acts 1997, No. 538, § 1; 2005, No. 2202, § 2.

**Amendments.** The 2005 amendment made no changes to this section.

## SUBCHAPTER 32 — DUCKS UNLIMITED [REPEALED]

### SECTION.

27-15-3201 — 27-15-3209. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3; Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

### 27-15-3201 — 27-15-3209. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2.

The subchapter was derived from the following sources:

- 27-15-3201. Acts 1999, No. 23, § 1.  
 27-15-3202. Acts 1999, No. 23, §§ 2, 3.  
 27-15-3203. Acts 1999, No. 23, § 4.  
 27-15-3204. Acts 1999, No. 23, § 5;  
 2003, No. 90, § 1.  
 27-15-3205. Acts 1999, No. 23, § 6;  
 2003, No. 90, § 2.
- 27-15-3206. Acts 1999, No. 23, § 7.  
 27-15-3207. Acts 1999, No. 23, § 9.  
 27-15-3208. Acts 1999, No. 23, § 8.  
 27-15-3209. Acts 1999, No. 23, § 10.

### SUBCHAPTER 33 — WORLD WAR II VETERANS, KOREAN WAR VETERANS, VIETNAM VETERANS, AND PERSIAN GULF VETERANS [REPEALED]

#### SECTION.

27-15-3301 — 27-15-3306. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

### 27-15-3301 — 27-15-3306. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

- 27-15-3301. Acts 1999, No. 916, § 1.
- 27-15-3302. Acts 1999, No. 916, § 2.  
 27-15-3303. Acts 1999, No. 916, § 3.  
 27-15-3304. Acts 1999, No. 916, § 4.  
 27-15-3305. Acts 1999, No. 916, § 5.  
 27-15-3306. Acts 1999, No. 916, § 6.

### SUBCHAPTER 34 — ADDITIONAL GAME AND FISH COMMISSION PLATES [REPEALED]

#### SECTION.

27-15-3401 — 27-15-3407. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the

General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on



constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue

each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**27-15-3401 — 27-15-3407. [Repealed.]**

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:  
27-15-3401. Acts 1999, No. 1566, § 1.  
27-15-3402. Acts 1999, No. 1566, § 2.

27-15-3403. Acts 1999, No. 1566, § 3.  
27-15-3404. Acts 1999, No. 1566, § 4.  
27-15-3405. Acts 1999, No. 1566, § 5.  
27-15-3406. Acts 1999, No. 1566, § 6.  
27-15-3407. Acts 1999, No. 1566, § 7.

**SUBCHAPTER 35 — COMMITTED TO EDUCATION LICENSE PLATES [REPEALED]**

SECTION.  
27-15-3501 — 27-15-3507. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**27-15-3501 — 27-15-3507. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

- 27-15-3501. Acts 2001, No. 529, § 1.
- 27-15-3502. Acts 2001, No. 529, § 2;
- 2003, No. 1473, § 68.

- 27-15-3503. Acts 2001, No. 529, § 3.
- 27-15-3504. Acts 2001, No. 529, § 4.
- 27-15-3505. Acts 2001, No. 529, § 5.
- 27-15-3506. Acts 2001, No. 529, § 6.
- 27-15-3507. Acts 2001, No. 529, § 7.

**SUBCHAPTER 36 — ARMED FORCES VETERAN LICENSE PLATES [REPEALED]**

SECTION.

27-15-3601 — 27-15-3607. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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**27-15-3601 — 27-15-3607. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

- 27-15-3601. Acts 2001, No. 725, § 1.
- 27-15-3602. Acts 2001, No. 725, § 2.

- 27-15-3603. Acts 2001, No. 725, § 3.
- 27-15-3604. Acts 2001, No. 725, § 4.
- 27-15-3605. Acts 2001, No. 725, § 5.
- 27-15-3606. Acts 2001, No. 725, § 6.
- 27-15-3607. Acts 2001, No. 725, § 7.

**SUBCHAPTER 37 — SPECIAL RETIRED ARKANSAS STATE TROOPER LICENSE PLATES [REPEALED]**

SECTION.

27-15-3701 — 27-15-3706. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

27-15-3701 — 27-15-3706. [Repealed.]

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:  
27-15-3701. Acts 2001, No. 47, § 1.

27-15-3702. Acts 2001, No. 47, § 1.  
27-15-3703. Acts 2001, No. 47, § 1.  
27-15-3704. Acts 2001, No. 47, § 1.  
27-15-3705. Acts 2001, No. 47, § 1.  
27-15-3706. Acts 2001, No. 47, § 1.

SUBCHAPTER 38 — DISTINGUISHED FLYING CROSS [REPEALED]

SECTION.  
27-15-3801 — 27-15-3805. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”



**27-15-3801 — 27-15-3805. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3801. Acts 2001, No. 566, § 1.

27-15-3802. Acts 2001, No. 566, § 1.

27-15-3803. Acts 2001, No. 566, § 1.

27-15-3804. Acts 2001, No. 566, § 1.

27-15-3805. Acts 2001, No. 566, § 1.

**SUBCHAPTER 39 — CHOOSE LIFE LICENSE PLATE [REPEALED]**

SECTION.

27-15-3901 — 27-15-3908. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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**27-15-3901 — 27-15-3908. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-3901. Acts 2003, No. 344, § 1.

27-15-3902. Acts 2003, No. 344, § 1.

27-15-3903. Acts 2003, No. 344, § 1.

27-15-3904. Acts 2003, No. 344, § 1.

27-15-3905. Acts 2003, No. 344, § 1.

27-15-3906. Acts 2003, No. 344, § 1.

27-15-3907. Acts 2003, No. 344, § 1.

27-15-3908. Acts 2003, No. 344, § 1.

**SUBCHAPTER 40 — MISCELLANEOUS**

SECTION.

27-15-4001. Buses converted to or equipped as campers.  
27-15-4002. Exemptions for new vehicles loaned by dealers to school districts.

SECTION.

27-15-4003. [Repealed.]

27-15-4004. [Repealed.]

**Preambles.** Acts 1963, No. 26 contained a preamble which read: "Whereas, many motor vehicle dealers in this state loan new motor vehicles to public school districts to be used by such districts; and

"Whereas, such new motor vehicles are returned by the school district to the motor vehicle dealer who then sells the same; and

"Whereas, the use of such loaned motor vehicles by school districts saves such districts considerable tax funds and relieves the district of the necessity of purchasing such motor vehicles; and

"Whereas, school districts are now required to purchase motor vehicle licenses for such vehicles;

"Now, therefore ..."

**Effective Dates.** Acts 1979, No. 440, §§ 4, 7: July 1, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that existing highway user revenue sources do not provide for the adequate maintenance, repair, construction and reconstruction of state highways, county roads and city streets; that the motor vehicular traffic on the public highways and streets of this State makes it immediately necessary that additional funds be provided in order to finance adequate highway, road and street maintenance and construction programs; that the continued economic expansion and growth of this State will be jeopardized if an adequate system of public roads and streets is not provided; and that only by the immediate passage of this Act may such vitally needed additional funds be provided to solve the aforemen-

tioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July first of 1979."

Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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### **27-15-4001. Buses converted to or equipped as campers.**

(a) Any person in this state who owns a school bus or other bus which has been converted to or equipped as a camper and is used solely as a camper may register it and obtain special motor vehicle license plates for it upon application to the Director of the Department of Finance and Administration and upon the payment of an annual registration fee of thirteen dollars (\$13.00).

(b) No more than one (1) family or six (6) persons, whichever shall be the greater number, shall be transported upon the public highways of this state in a camper bus licensed under the provisions of this section.

(c) Any person owning a camper bus registered and licensed pursuant to this section who shall use the bus or permit it to be used for any

purpose other than as a camper bus or who shall operate or permit it to be operated in violation of this section shall be required to pay the annual registration fee prescribed by law for other vehicles of the same class as such vehicle, and in addition, shall pay a penalty in an amount equal to one-half (½) of the annual fee.

**History.** Acts 1965, No. 87, §§ 1, 2; 1979, No. 440, § 2; A.S.A. 1947, §§ 75-285, 75-286; Acts 2005, No. 2202, § 2. **Amendments.** The 2005 amendment made no changes to this section.

**27-15-4002. Exemptions for new vehicles loaned by dealers to school districts.**

(a) Whenever any dealer in new motor vehicles in this state shall lend any new motor vehicle to any public school district in this state to be used by the district and to be returned to the motor vehicle dealer within a specified time, the motor vehicle shall be exempt from all state, county, or municipal taxes and license fees during the time it is being used by the school district.

(b) The Director of the Department of Finance and Administration shall issue, without charge to the school district, the appropriate motor vehicle license plates for the vehicle.

(c) Upon any such motor vehicle being returned to the motor vehicle dealer and upon the sale of the vehicle by the dealer, the appropriate gross receipts taxes, registration and license fees, and any other taxes due on the vehicle shall be due and payable in the manner provided by law.

**History.** Acts 1963, No. 26, § 1; A.S.A. 1947, § 75-281; Acts 2005, No. 2202, § 2. **Amendments.** The 2005 amendment made no changes to this section.

**27-15-4003. [Repealed.]**

**Publisher's Notes.** This section, concerning street rods, was repealed by Acts 2007, No. 340, § 2. The section was derived from Acts 1999, No. 1327, §§ 1-4; 2005, No. 2202, § 2. For present provisions see subchapter 15 of chapter 24 of this title.

**27-15-4004. [Repealed.]**

**Publisher's Notes.** This section, concerning minimum number of applications and discontinuance of license plates, was repealed by Acts 2005, No. 2202, § 2. The section was derived from Acts 2001, No. 1203, § 1; 2003, No. 371, § 1.

**SUBCHAPTER 41 — SUSAN G. KOMEN BREAST CANCER EDUCATION, RESEARCH, AND AWARENESS LICENSE PLATE [REPEALED]**

SECTION.  
27-15-4101 — 27-15-4106. [Repealed.]



**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

27-15-4101 — 27-15-4106. [Repealed.]

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. This subchapter was derived from the following sources:  
27-15-4101. Acts 2003, No. 1004, § 1.

27-15-4102. Acts 2003, No. 1004, § 1.  
27-15-4103. Acts 2003, No. 1004, § 1.  
27-15-4104. Acts 2003, No. 1004, § 1.  
27-15-4105. Acts 2003, No. 1004, § 1.  
27-15-4106. Acts 2003, No. 1004, § 1.

SUBCHAPTER 42 — DIVISION OF AGRICULTURE LICENSE PLATE [REPEALED]

SECTION.  
27-15-4201 — 27-15-4207. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**27-15-4201 — 27-15-4207. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

- 27-15-4201. Acts 2003, No. 1040, § 1.
- 27-15-4202. Acts 2003, No. 1040, § 1.

- 27-15-4203. Acts 2003, No. 1040, § 1.
- 27-15-4204. Acts 2003, No. 1040, § 1.
- 27-15-4205. Acts 2003, No. 1040, § 1.
- 27-15-4206. Acts 2003, No. 1040, § 1.
- 27-15-4207. Acts 2003, No. 1040, § 1.

**SUBCHAPTER 43 — CONSTITUTIONAL OFFICER LICENSE PLATE [REPEALED]**

SECTION.

27-15-4301 — 27-15-4305. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

**27-15-4301 — 27-15-4305. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

- 27-15-4301. Acts 2003, No. 868, § 1.

- 27-15-4302. Acts 2003, No. 868, § 1.
- 27-15-4303. Acts 2003, No. 868, § 1.
- 27-15-4304. Acts 2003, No. 868, § 1.
- 27-15-4305. Acts 2003, No. 868, § 1.

**SUBCHAPTER 44 — AFRICAN-AMERICAN FRATERNITY AND SORORITY LICENSE PLATE [REPEALED]**

SECTION.

27-15-4401 — 27-15-4409. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the

General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on

constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue

each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

27-15-4401 — 27-15-4409. [Repealed.]

**Publisher’s Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:  
27-15-4401. Acts 2003, No. 1302, § 1.  
27-15-4402. Acts 2003, No. 1302, § 1.  
27-15-4403. Acts 2003, No. 1302, § 1.

27-15-4404. Acts 2003, No. 1302, § 1.  
27-15-4405. Acts 2003, No. 1302, § 1.  
27-15-4406. Acts 2003, No. 1302, § 1.  
27-15-4407. Acts 2003, No. 1302, § 1.  
27-15-4408. Acts 2003, No. 1302, § 1.  
27-15-4409. Acts 2003, No. 1302, § 1.

SUBCHAPTER 45 — BOY SCOUTS OF AMERICA LICENSE PLATE [REPEALED]

SECTION.  
27-15-4501 — 27-15-4506. [Repealed.]

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”



**27-15-4501 — 27-15-4506. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. This subchapter was derived from the following sources:

27-15-4501. Acts 2003, No. 1343, § 1.

27-15-4502. Acts 2003, No. 1343, § 1.

27-15-4503. Acts 2003, No. 1343, § 1.

27-15-4504. Acts 2003, No. 1343, § 1.

27-15-4505. Acts 2003, No. 1343, § 1.

27-15-4506. Acts 2003, No. 1343, § 1.

**SUBCHAPTER 46 — ARKANSAS CATTLEMEN'S FOUNDATION LICENSE PLATE  
[REPEALED]**

SECTION.

27-15-4601 — 27-15-4606. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

**27-15-4601 — 27-15-4606. [Repealed.]**

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

27-15-4601. Acts 2003, No. 1150, § 1.

27-15-4602. Acts 2003, No. 1150, § 1.

27-15-4603. Acts 2003, No. 1150, § 1.

27-15-4604. Acts 2003, No. 1150, § 1.

27-15-4605. Acts 2003, No. 1150, § 1.

27-15-4606. Acts 2003, No. 1150, § 1.

**SUBCHAPTER 47 — ORGAN DONOR AWARENESS LICENSE PLATE [REPEALED]**

SECTION.

27-15-4701 — 27-15-4707. [Repealed.]

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkan-

sas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was nec-

essary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is

continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## 27-15-4701 — 27-15-4707. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 2005, No. 2202, § 2. The subchapter was derived from the following sources:

- 27-15-4701. Acts 2003, No. 1362, § 2.
- 27-15-4702. Acts 2003, No. 1362, § 2.

- 27-15-4703. Acts 2003, No. 1362, § 2.
- 27-15-4704. Acts 2003, No. 1362, § 2.
- 27-15-4705. Acts 2003, No. 1362, § 2.
- 27-15-4706. Acts 2003, No. 1362, § 2.
- 27-15-4707. Acts 2003, No. 1362, § 2.

## SUBCHAPTER 48 — OPERATION IRAQI FREEDOM VETERAN LICENSE PLATE [REPEALED]

### SECTION.

27-15-4801 — 27-15-4808. [Repealed.]

## 27-15-4801 — 27-15-4808. [Repealed.]

**Publisher's Notes.** This subchapter, concerning the Operation Iraqi Freedom Veteran License Plate, was repealed by Acts 2007, No. 109, § 3. The subchapter was derived from the following sources:

- 27-15-4801. Acts 2005, No. 185, § 1.
- 27-15-4802. Acts 2005, No. 185, § 1.
- 27-15-4803. Acts 2005, No. 185, § 1.
- 27-15-4804. Acts 2005, No. 185, § 1.

- 27-15-4805. Acts 2005, No. 185, § 1.
- 27-15-4806. Acts 2005, No. 185, § 1.
- 27-15-4807. Acts 2005, No. 185, § 1.
- 27-15-4808. Acts 2005, No. 185, § 1.

For current law related to Operation Iraqi Freedom Veteran special license plates, please see Title 27, Chapter 24, Subchapter 2.

## SUBCHAPTER 49 — IN GOD WE TRUST LICENSE PLATE

### SECTION.

- 27-15-4901. In God We Trust license plate authorized.
- 27-15-4902. Design.
- 27-15-4903. Fees.
- 27-15-4904. In God We Trust License Plate Fund.

### SECTION.

- 27-15-4905. Renewal.
- 27-15-4906. Transfer to another vehicle.
- 27-15-4907. Compliance with other laws.
- 27-15-4908. Rules and regulations.

**Effective Dates.** Acts 2005, No. 727, § 2: Mar. 9, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that there are insufficient resources being dedicated to the purchase of raw food for home-delivered meals for the elderly; that senior citizen centers have been forced to close due to lack of adequate funding; that senior citizens have been placed on waiting lists to receive home-delivered meals; and that this act is immediately necessary to promote the health and independent living of the se-

nior citizens of the State of Arkansas. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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### **27-15-4901. In God We Trust license plate authorized.**

The Director of the Department of Finance and Administration shall issue a special In God We Trust motor vehicle license plate in the manner and subject to the conditions prescribed in this subchapter.

**History.** Acts 2005, No. 727, § 1.

### **27-15-4902. Design.**

- (a) The special In God We Trust motor vehicle license plates shall:
- (1) Be designed by the Department of Finance and Administration;
  - (2) Contain the words "In God We Trust"; and
  - (3) Be numbered consecutively.

(b)(1) Before the Director of the Department of Finance and Administration creates and issues a special license plate under this subchapter, one (1) of the following must occur:

(A) A fee in the amount of six thousand dollars (\$6,000) to cover the cost of the initial order of each newly designed license plate is remitted to the Department of Finance and Administration by the Division of Aging and Adult Services of the Department of Human Services, a person, or other entity; or

(B) The Department of Finance and Administration receives a minimum of one thousand (1,000) applications for the special license plate.

(2)(A) The fee collected under subdivision (b)(1)(A) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(B) The fee shall not be considered or credited to the division as direct revenues.

(C) The fee may be paid by any person or organization or by any combination of persons or organizations.



**History.** Acts 2005, No. 727, § 1.

### **27-15-4903. Fees.**

(a) Upon payment of the fee required by law for the registration of the vehicle, payment of twenty-five dollars (\$25.00) to cover the design-use contribution fee, and payment of an additional ten-dollar handling and administrative fee for the issuance of the special In God We Trust license plate, the Department of Finance and Administration shall issue to the vehicle owner an In God We Trust license plate which shall bear the approved design.

(b)(1)(A) The handling and administrative fee of ten dollars (\$10.00) shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(B) The fee shall not be considered or credited to the division as direct revenues.

(2) The design-use contribution fee of twenty-five dollars (\$25.00) shall be deposited as special revenues into the State Treasury to the credit of the In God We Trust License Plate Fund.

**History.** Acts 2005, No. 727, § 1.

### **27-15-4904. In God We Trust License Plate Fund.**

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the “In God We Trust License Plate Fund”.

(b)(1) All moneys collected as design-use contribution fees under § 27-15-4903 shall be deposited into the State Treasury as special revenues to the credit of the In God We Trust License Plate Fund.

(2) The fund shall also consist of any other revenues as may be authorized by law.

(c)(1)(A) The fund shall be used by the Division of Aging and Adult Services of the Department of Human Services to provide quarterly cash grants to each senior citizen center in a similar method as is used in the State of Arkansas’s current system for distributing United States Department of Agriculture money to the senior citizen centers to purchase raw food.

(B) All moneys in the fund shall be used exclusively by the division as provided in subdivisions (c)(2) and (3) of this section.

(C)(i) All moneys collected as design-use contribution fees under § 27-15-4903(a) shall be used exclusively by senior citizen centers for purchasing food for use in a home-delivered meal program.

(ii) No moneys collected as design-use contribution fees under § 27-15-4903(a) shall be used for administration expenses by a state agency, senior citizen center, or any other non-profit or for-profit organization.

(2)(A) The division shall distribute the moneys collected under this subchapter as cash grant awards to senior citizen centers in the State of Arkansas.

(B) The cash grant awards shall be based on the average number of meals served each day for the prior quarter within the senior citizen center's respective geographic area.

(3) Each senior citizen center that receives a cash grant award under this subchapter shall use the moneys exclusively for purchasing food for use in a home-delivered meal program.

**History.** Acts 2005, No. 727, § 1.

**Cross References.** In God We Trust License Plate Fund, § 19-6-807.

### **27-15-4905. Renewal.**

(a)(1) The special In God We Trust license plate issued under this subchapter may be renewed annually under the procedures in § 27-15-4004 [repealed] and under §§ 27-14-1012 and 27-14-1013.

(2) Registration may continue from year to year as long as it is renewed each year within the time and manner required by law.

(b) A motor vehicle owner who was previously issued a plate with the In God We Trust design authorized by this subchapter and who does not pay a design-use contribution fee of twenty-five dollars (\$25.00) at the subsequent time of registration shall be issued a new plate which does not bear the In God We Trust design.

(c) Upon expiration or if the special In God We Trust license plate is lost, the plate may be replaced with a regular license plate at the fee specified in § 27-14-602(b)(6).

(d) If the special In God We Trust license plate is replaced with a new In God We Trust license plate, the owner shall be required to pay the fees for the issuance of the license plate under § 27-15-4903.

**History.** Acts 2005, No. 727, § 1.

### **27-15-4906. Transfer to another vehicle.**

The special In God We Trust license plate issued under this subchapter may be transferred from one (1) vehicle to another as provided in § 27-14-914.

**History.** Acts 2005, No. 727, § 1.

### **27-15-4907. Compliance with other laws.**

The special In God We Trust license plate shall comply with:

(1) The minimum number of license plate applications required under § 27-15-4004 [repealed]; and

(2) All other state motor vehicle laws relating to registration and licensing of motor vehicles unless specifically provided otherwise in this subchapter.

**History.** Acts 2005, No. 727, § 1.

**27-15-4908. Rules and regulations.**

The Director of the Department of Finance and Administration shall promulgate reasonable rules and regulations and prescribe forms as the director determines to be necessary for effectively and efficiently carrying out the intent and purposes of this subchapter.

**History.** Acts 2005, No. 727, § 1.

**SUBCHAPTER 50 — OPERATION ENDURING FREEDOM VETERAN LICENSE  
PLATE [REPEALED]**

SECTION.  
27-15-5001 — 27-15-5008. [Repealed.]

**27-15-5001 — 27-15-5008. [Repealed.]**

**Publisher’s Notes.** This subchapter, concerning the Operation Enduring Freedom Veteran License Plate, was repealed by Acts 2007, No. 109, § 2. The subchapter was derived from the following sources:

- 27-15-5001. Acts 2005, No. 952, § 1.
- 27-15-5002. Acts 2005, No. 952, § 1.
- 27-15-5003. Acts 2005, No. 952, § 1.
- 27-15-5004. Acts 2005, No. 952, § 1.
- 27-15-5005. Acts 2005, No. 952, § 1.
- 27-15-5006. Acts 2005, No. 952, § 1.
- 27-15-5007. Acts 2005, No. 952, § 1.
- 27-15-5008. Acts 2005, No. 952, § 1.

For current law related to Operation Iraqi Freedom Veteran special license plates, please see Title 27, Chapter 24, Subchapter 2.

**A.C.R.C. Notes.** Acts 2007, No. 109, § 4, provided: “(a) Subject to the appropriation and availability of funding for the

purposes of this section, any person who was eligible for the special Operation Enduring Freedom Veteran license plate under § 27-15-5003, received the special license plate, and was charged a fee under § 27-15-5004 or § 27-15-5005 prior to the effective date of this act shall receive a refund as provided under subsection (b) of this section upon presentation to the Revenue Division of the Department of Finance and Administration of proof of payment to the Revenue Division prior to the effective date of this act.

“(b)(1) The refund for a special license plate created and issued under § 27-15-5004 is the amount of the fee that was actually paid.

“(2) The refund for the annual renewal of the special license plate under § 27-15-5005 is the amount of the fee paid less a nominal administrative fee of one dollar (\$1.00).”

**SUBCHAPTER 51 — ARKANSAS STATE GOLF ASSOCIATION LICENSE PLATE**

SECTION.  
27-15-5101. Arkansas State Golf Association license plate authorized.  
27-15-5102. Design — Numbered plates.  
27-15-5103. Application for special Arkansas State Golf Association

SECTION.  
tion license plate — Fee —  
Disposition of fee.  
27-15-5104. Renewal.  
27-15-5105. Transfer to another vehicle.  
27-15-5106. Compliance with other laws.



**27-15-5101. Arkansas State Golf Association license plate authorized.**

The Director of the Department of Finance and Administration shall provide for and issue Arkansas State Golf Association special license plates in the manner and subject to the conditions under this subchapter.

**History.** Acts 2005, No. 1574, § 1.

**27-15-5102. Design — Numbered plates.**

(a)(1) The Arkansas State Golf Association special license plates shall be designed by the Arkansas State Golf Association.

(2) The design shall be submitted to the Director of the Department of Finance and Administration for design approval under rules of the director.

(3) The Arkansas State Golf Association may periodically submit a newly designed license plate for approval and issuance by the director with not more than one (1) new license plate design issued per calendar year.

(b)(1) Upon approval of the design by the director, the Arkansas State Golf Association shall remit to the Department of Finance and Administration a fee in the amount of six thousand dollars (\$6,000) to cover the cost of the initial order of each newly designed license plate.

(2) This fee shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenues.

(c) The director shall promulgate reasonable rules and regulations and prescribe any forms as the director determines to be necessary to carry out the intent and purposes of this subchapter.

**History.** Acts 2005, No. 1574, § 1.

**27-15-5103. Application for special Arkansas State Golf Association license plate — Fee — Disposition of fee.**

(a) Any motor vehicle owner may apply for and renew annually an Arkansas State Golf Association special license plate.

(b)(1) Upon payment of the fee required by law for registration of the motor vehicle, payment of twenty-five dollars (\$25.00) to cover the design-use contribution, and payment of an additional handling and administrative fee of ten dollars (\$10.00) for the special license plate, the Department of Finance and Administration shall issue to the vehicle owner a special license plate that bears the approved design.

(2)(A) The handling and administrative fee of ten dollars (\$10.00) shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited to the division as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(B) The handling and administrative fee shall not be considered or credited to the division as direct revenue.

(3) The design-use contribution of twenty-five dollars (\$25.00) shall be remitted monthly to the Arkansas State Golf Association to be used for association purposes.

**History.** Acts 2005, No. 1574, § 1.

#### **27-15-5104. Renewal.**

(a)(1) Arkansas State Golf Association special license plates issued under this subchapter may be renewed annually under the procedures set out in § 27-15-4903 in person, by mail, or by facsimile under §§ 27-14-1012 and 27-14-1013.

(2) Registration may continue from year to year so long as the license is renewed each year within the time and manner required by law.

(b)(1) A motor vehicle owner who was previously issued a plate with a design authorized by this subchapter and who does not pay a design-use contribution of twenty-five dollars (\$25.00) at a subsequent time of registration shall be issued a new plate, as otherwise provided by law, that does not bear the design.

(2) Upon expiration, the special license plate may be replaced with a conventional license plate, a personalized license plate, or a new special license plate.

**History.** Acts 2005, No. 1574, § 1.

#### **27-15-5105. Transfer to another vehicle.**

Arkansas State Golf Association special license plates issued under this subchapter may be transferred from one (1) vehicle to another under § 27-14-914.

**History.** Acts 2005, No. 1574, § 1.

#### **27-15-5106. Compliance with other laws.**

The Arkansas State Golf Association special license plates shall comply with all other state motor vehicle laws relating to registration and licensing of motor vehicles, including the minimum number of license plate applications required under § 27-15-4004 [repealed], except as specifically provided otherwise in this subchapter.

**History.** Acts 2005, No. 1574, § 1.

**SUBCHAPTER 52 — ARKANSAS FALLEN FIREFIGHTERS' MEMORIAL SPECIAL  
LICENSE PLATE**

**SECTION.**

27-15-5201. Arkansas Fallen Firefighters' Memorial special license plate authorized.  
27-15-5202. Plate design.

**SECTION.**

27-15-5203. Fees.  
27-15-5204. Renewal.  
27-15-5205. Transfer to another vehicle.  
27-15-5206. Compliance with other laws.

**27-15-5201. Arkansas Fallen Firefighters' Memorial special license plate authorized.**

The Director of the Department of Finance and Administration shall provide for and issue Arkansas Fallen Firefighters' Memorial special license plates for motor vehicles in the manner provided in this subchapter.

**History.** Acts 2005, No. 1577, § 1.

**27-15-5202. Plate design.**

(a)(1) The special motor vehicle license plates shall be designed by the Arkansas Fallen Firefighters' Memorial Board.

(2) The design shall be submitted for design approval by the Director of the Department of Finance and Administration under rules and regulations of the director.

(3) The board may periodically submit a newly designed license plate for approval and issue by the director with not more than one (1) new license plate design issued per calendar year.

(b)(1) Upon approval of the design by the director, the board shall remit to the Department of Finance and Administration a fee of six thousand dollars (\$6,000) to cover the cost of the initial order of each newly designed license plate.

(2) This fee shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenues.

(c) The director shall promulgate reasonable rules and regulations and prescribe any forms as he or she determines to be necessary to carry out the intent and purposes of this subchapter.

**History.** Acts 2005, No. 1577, § 1.

**27-15-5203. Fees.**

(a) The Department of Finance and Administration shall issue to a vehicle owner an Arkansas Fallen Firefighters' Memorial license plate that shall bear the approved design upon payment of the fee required by



law for the registration of the vehicle, payment of five dollars (\$5.00) to cover the design-use contribution, and payment of an additional handling and administrative fee of ten dollars (\$10.00) for the issuance of the special license plate.

(b)(1) The handling and administrative fee of ten dollars (\$10.00):

(A) Shall be collected only for the first year the special license plates are issued;

(B) Shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration; and

(C) Shall not be considered or credited to the division as direct revenues.

(2) The design-use contribution of five dollars (\$5.00) shall be deposited to the Arkansas Fallen Firefighters' Memorial Board for the purpose of fund-raising.

**History.** Acts 2005, No. 1577, § 1.

#### **27-15-5204. Renewal.**

(a)(1) Arkansas Fallen Firefighters' Memorial special license plates issued under this subchapter may be renewed annually under the procedures and upon payment of the fees under §§ 27-15-5203, 27-14-1012, and 27-14-1013.

(2) Registration may continue from year to year as long as the special license plate is renewed each year within the time and manner required by law.

(3) A motor vehicle owner who was previously issued a plate with the design authorized by this subchapter and who does not pay a design-use contribution of five dollars (\$5.00) at the subsequent time of registration shall be issued a new plate that does not bear the design.

(b) Upon expiration or if the special license plate is lost, it may be replaced with a regular license plate at the fee specified in § 27-14-602(b)(6).

**History.** Acts 2005, No. 1577, § 1.

#### **27-15-5205. Transfer to another vehicle.**

An Arkansas Fallen Firefighters' Memorial special license plate issued under this subchapter may be transferred from one (1) vehicle to another under § 27-14-914.

**History.** Acts 2005, No. 1577, § 1.

#### **27-15-5206. Compliance with other laws.**

Except as specifically provided otherwise in this subchapter, the Arkansas Fallen Firefighters' Memorial special license plates shall comply with all other state motor vehicle laws relating to registration

and licensing of motor vehicles, including the minimum number of license plate applications required under § 27-15-4004 [repealed].

**History.** Acts 2005, No. 1577, § 1.

### SUBCHAPTER 53 — REALTORS LICENSE PLATE [REPEALED]

#### SECTION.

27-15-5301 — 27-15-5307. [Repealed.]

**Effective Dates.** Acts 2005, No. 1889, § 2: Apr. 8, 2005. Emergency clause provides: "It is found and determined by the General Assembly of the State of Arkansas that realtors serve an important function in the state; that realtors use their motor vehicles in their business; and that this act is immediately necessary to allow realtors in the state the distinction of using a Realtors® license plate in the furtherance of their profession. Therefore, an emergency is declared to exist and this

act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

### 27-15-5301 — 27-15-5307. [Repealed.]

**A.C.R.C. Notes.** For current law related to eligibility requirements for a Realtors® special license plate, see § 27-24-1408.

**Publisher's Notes.** This subchapter, concerning realtors license plate, was repealed by Acts 2007, No. 451, § 4. The former subchapter was derived from the following sources:

27-15-5301. Acts 2005, No. 1889, § 1.  
27-15-5302. Acts 2005, No. 1889, § 1.  
27-15-5303. Acts 2005, No. 1889, § 1.  
27-15-5304. Acts 2005, No. 1889, § 1.  
27-15-5305. Acts 2005, No. 1889, § 1.  
27-15-5306. Acts 2005, No. 1889, § 1.  
27-15-5307. Acts 2005, No. 1889, § 1.

## CHAPTER 16

### DRIVER'S LICENSES GENERALLY

#### SUBCHAPTER.

1. GENERAL PROVISIONS.
2. DEFINITIONS.
3. PENALTIES.
4. OFFICE OF DRIVER SERVICES.
5. ADMINISTRATION GENERALLY.
6. LICENSING REQUIREMENTS.
7. APPLICATION AND EXAMINATION.
8. ISSUANCE OF LICENSES AND PERMITS.
9. EXPIRATION, CANCELLATION, REVOCATION, OR SUSPENSION.
10. SPECIAL PROVISIONS REGARDING CHAUFFEURS. [REPEALED.]
11. DRIVER'S LICENSE SECURITY AND MODERNIZATION ACT.

**A.C.R.C. Notes.** References to “this chapter” in §§ 27-16-101 — 27-16-915 may not refer to §§ 27-16-706 and 27-16-808, which were enacted subsequently.

RESEARCH REFERENCES

**A.L.R.** Governmental immunity: improperly licensed driver. 41 A.L.R.4th 111.  
**Am. Jur.** 7A Am. Jur. 2d, Auto., § 105 et seq.  
**C.J.S.** 60 C.J.S., Motor Veh., § 257 et seq.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.	SECTION.
27-16-101. Title.	27-16-103. Provision of information.
27-16-102. Construction.	

**Effective Dates.** Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: “It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms ‘operator’s license’ and ‘chauffeur’s license’ are obsolete and should be replaced with the term ‘driver’s license’; that the chauffeur’s license is no longer issued and has been replaced with the commercial driver’s license; that federal law governing commercial driver’s license authorizes the use of an assigned number on a commercial driver’s license instead of the applicant’s social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver’s license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval.”

27-16-101. Title.

This act may be cited as the “Uniform Motor Vehicle Driver’s License Act”.

**History.** Acts 1937, No. 280, § 44; Pope’s Dig., § 6868; A.S.A. 1947, § 75-348; Acts 1993, No. 445, § 1.

**Meaning of “this act”.** Acts 1937, No. 280, codified as §§ 27-16-101, 27-16-102, 27-16-201 — 27-16-207, 27-16-301 — 27-16-306, 27-16-501, 27-16-502, 27-16-504, 27-16-506, 27-16-601 — 27-16-605, 27-16-701 — 27-16-705, 27-16-801 — 27-16-806, 27-16-901, 27-16-903 — 27-16-913, 27-16-1001 [repealed].

27-16-102. Construction.

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.



**History.** Acts 1937, No. 280, § 43; Pope's Dig., § 6867; A.S.A. 1947, § 75-347. **Meaning of "this act".** See note to § 27-16-101.

### 27-16-103. Provision of information.

(a)(1) The Office of Motor Vehicle shall maintain on its website information to inform the citizens of the State of Arkansas of changes in the driving laws of the state.

(2) The office shall make the website address related to the information required under subdivision (a)(1) of this section available at all state revenue offices.

(b)(1) The office shall by July 1 of each year prepare a list and explanation of the most-violated driving or traffic laws during the previous year.

(2) The office shall make the information required under subdivision (b)(1) of this section available at all state revenue offices and on its website.

(c) The office is authorized to promulgate rules to administer the provisions of this subchapter.

**History.** Acts 2005, No. 2118, § 2.

## SUBCHAPTER 2 — DEFINITIONS

### SECTION.

27-16-201. Definitions generally.

27-16-202. Administration.

27-16-203. Nonresident — Resident.

27-16-204. Persons.

### SECTION.

27-16-205. Roadways.

27-16-206. Suspension and revocation.

27-16-207. Vehicles.

**Effective Dates.** Acts 1953, No. 85, § 3: Feb. 17, 1953. Emergency clause provided: "It has been found and is hereby declared by the General Assembly that the operators of buses within municipalities should not be required to pay the cost of a chauffeur license but meet the requirements and regulations of the municipality and that companies operating buses within municipalities should not be required to buy chauffeur licenses and pass the cost of same on to the customers and that the requirement that such drivers have chauffeur licenses does not increase the safety of the public. Therefore, an emergency is declared to exist, and this Act being necessary for the preservation of the public peace, health and safety shall take effect and be in force from the date of its passage and approval."

Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term 'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emer-

gency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in

full force and effect from and after its passage and approval."

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### 27-16-201. Definitions generally.

As used in this act, the words and phrases defined in this subchapter shall have the meanings respectively ascribed to them, unless the context otherwise requires.

**History.** Acts 1937, No. 280, § 1; Pope's Dig., § 6825; A.S.A. 1947, § 75-301.

**Meaning of "this act".** Acts 1937, No. 280, codified as §§ 27-16-101, 27-16-102, 27-16-201 — 27-16-207, 27-16-301 — 27-

16-306, 27-16-501, 27-16-502, 27-16-504, 27-16-506, 27-16-601 — 27-16-605, 27-16-701 — 27-16-705, 27-16-801 — 27-16-806, 27-16-901, 27-16-903 — 27-16-913, 27-16-1001 [repealed].

### CASE NOTES

**Cited:** Vaught v. Ross, 244 Ark. 1218, 428 S.W.2d 631 (1968).

### 27-16-202. Administration.

(a) "Commissioner" means the Director of the Department of Finance and Administration acting in his capacity as Commissioner of Motor Vehicles of this state.

(b) "Office" means the Office of Driver Services of this state acting directly or through its duly authorized officers and agents.

**History.** Acts 1937, No. 280, § 6; Pope's Dig., § 6830; A.S.A. 1947, § 75-306.

### 27-16-203. Nonresident — Resident.

(a) "Nonresident" means every person who is not a resident of this state;

(b)(1) "Resident" means any person who:

(A) Remains in this state for a period of more than ninety (90) days;

(B) Resides in this state due to a change of abode; or

(C) Is domiciled in this state on a temporary or permanent basis.

(2) The term "resident" shall not include any person who is in this state as a student.

**History.** Acts 1937, No. 280, § 4; Pope's Dig., § 6828; A.S.A. 1947, § 75-304; Acts 1993, No. 445, § 40.

**27-16-204. Persons.**

(a) "Driver" means every person who is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(b) "Owner" means a person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(c) "Person" means every natural person, firm, copartnership, association, or corporation.

**History.** Acts 1937, No. 280, § 3; Pope's No. 307, § 5; 1969, No. 300, § 1; A.S.A. Dig., § 6827; Acts 1953, No. 85, § 1; 1959, 1947, § 75-303; Acts 1993, No. 445, § 2.

**CASE NOTES****ANALYSIS**

Minors.

Person.

**Minors.**

Where a motorcycle ridden by a minor and a car driven by the defendant collided, it was not reversible error to refuse to instruct the jury that a minor should not be held to the same standard of care as an adult and that a higher degree of care is owed to minors, as this section and §§ 27-16-207, 27-51-201, 27-51-208 — 27-51-211, and 27-51-308, pertaining to safety on the highways, disclose no distinction

between the degree of care to be exercised by a minor and an adult. *Harrelson v. Whitehead*, 236 Ark. 325, 365 S.W.2d 868 (1963).

**Person.**

Employer who caused truck which he had control of to be set in motion and to be operated was a "person" within the meaning of the provisions of § 27-37-205 prohibiting a person from operating a motor truck without flares and warning signals. *Taylor v. Purifoy*, 247 Ark. 368, 445 S.W.2d 485 (1969).

**Cited:** *Red Top Driv-Ur Self Co. v. Munger*, 229 Ark. 998, 320 S.W.2d 97 (1959).

**27-16-205. Roadways.**

"Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part is open to the use of the public, as a matter of right for purposes of vehicular traffic.

**History.** Acts 1937, No. 280, § 5; Pope's Dig., § 6829; A.S.A. 1947, § 75-305.

**27-16-206. Suspension and revocation.**

(a) "Suspend" means to temporarily withdraw, by formal action, a driver's license or privilege to operate a motor vehicle on public highways, which shall be for a period specifically designated by the suspending authority.



(b) "Revoke" means to terminate, by formal action, a driver's license or privilege to operate a motor vehicle on the public highways, which shall not be subject to renewal or restoration. However, an application for a new license may be presented and acted upon by the Office of Driver Services after the expiration of at least one (1) year after the date of revocation.

**History.** Acts 1937, No. 280, § 3; 1969, No. 300, § 1; A.S.A. 1947, § 75-303.

## CASE NOTES

### ANALYSIS

Formal Action Required.  
Suspension.

—Foreign State.

—Temporary Withdrawal.

### Formal Action Required.

Under Arkansas law, a driver's license is not automatically revoked or suspended by operation of law when grounds therefore arise, but only after formal action is taken to revoke or suspend the license. *Mounts v. State*, 48 Ark. App. 1, 888 S.W.2d 321 (1994).

### Suspension.

#### —Foreign State.

Suspensions in one state have the effect of precluding a driver from obtaining a license in other states; that is what hap-

pens in Arkansas, and recognition of foreign state suspensions is appropriate so long as those suspensions are effective for a fixed period of time. *Sievers v. City of Fort Smith*, 320 Ark. 136, 894 S.W.2d 940 (1995).

Foreign state suspensions are not appropriate when they exist for indefinite periods without explanation or reason. *Sievers v. City of Fort Smith*, 320 Ark. 136, 894 S.W.2d 940 (1995).

#### —Temporary Withdrawal.

A suspension that continues for nine or ten years is not temporary under anyone's definition and certainly exceeds the one-year limitation set out under § 27-16-912. *Sievers v. City of Fort Smith*, 320 Ark. 136, 894 S.W.2d 940 (1995).

**Cited:** *Red Top Driv-Ur Self Co. v. Munger*, 229 Ark. 998, 320 S.W.2d 97 (1959).

## 27-16-207. Vehicles.

(a) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(c) "School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(d) "Vehicle" means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

**History.** Acts 1937, No. 280, § 2; Pope's Dig., § 6826; A.S.A. 1947, § 75-302.

CASE NOTES

**Minors.**

Where a motorcycle ridden by a minor and a car driven by the defendant collided, it was not reversible error to refuse to instruct the jury that a minor should not be held to the same standard of care as an adult and that a higher degree of care is owed to minors, as this section and §§ 27-

16-204, 27-51-201, 27-51-208 — 27-51-211, and 27-51-308, pertaining to safety on the highways, disclose no distinction between the degree of care to be exercised by a minor and an adult. *Harrelson v. Whitehead*, 236 Ark. 325, 365 S.W.2d 868 (1963).

SUBCHAPTER 3 — PENALTIES

SECTION.

- 27-16-301. Penalty generally.
- 27-16-302. Unlawful use of license.
- 27-16-303. Driving while license cancelled, suspended, or revoked.

SECTION.

- 27-16-304. Permitting unauthorized person to drive.
- 27-16-305. Permitting minor to drive.
- 27-16-306. Perjury.

**Effective Dates.** Acts 1939, No. 72, § 3: approved Feb. 10, 1939.

Acts 1941, No. 370, § 3: approved Mar. 26, 1941. Emergency clauses provided: "It is hereby determined that the State Police Department is in need for additional funds for the efficient operation of said department, and it is further determined that by this efficient operation of said department the death rate from motor vehicle accidents has been greatly reduced and that by employing additional police as members of the department, crime will be further deterred; therefore, an emergency is declared to exist, this act being necessary for the public peace, health, and safety shall be in force and effect from and after its passage."

Acts 1955, No. 278, § 4: Mar. 16, 1955. Emergency clause provided: "It is hereby determined that the present laws pertaining to the responsibility of parents for minors under the age of 18 who drive automobiles is inadequately defined and would permit a parent who violates the law by failing to sign his child's drivers license application to thus escape liability for such child's acts while driving; and thus immediate passage of this Act is necessary to remedy such situation; and

therefore an emergency is declared to exist and this Act being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its approval."

Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term 'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval."

### 27-16-301. Penalty generally.

(a) It is a misdemeanor for any person to violate any of the provisions of this act unless the violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment of not more than ninety (90) days.

**History.** Acts 1937, No. 280, § 42; Pope's Dig., § 6866; Acts 1939, No. 72, § 2; 1941, No. 370, § 2; A.S.A. 1947, § 75-346; Acts 2001, No. 1802, § 1.

**Meaning of "this act".** Acts 1937, No. 280, codified as §§ 27-16-101, 27-16-102,

27-16-201 — 27-16-207, 27-16-301 — 27-16-306, 27-16-501, 27-16-502, 27-16-504, 27-16-506, 27-16-601 — 27-16-605, 27-16-701 — 27-16-705, 27-16-801 — 27-16-806, 27-16-901, 27-16-903 — 27-16-913, 27-16-1001 [repealed].

## CASE NOTES

### ANALYSIS

Civil Liability.  
Prosecution.

#### Civil Liability.

Parent who allows a minor child to drive without a license commits a misdemeanor, but violation of law does not make parent liable as a matter of law for negligence of child as result of a collision. *Richardson v. Donaldson*, 220 Ark. 173, 246 S.W.2d 551 (1952), questioned, *Vaught v. Ross*, 244 Ark. 1218, 428 S.W.2d 631 (1968).

#### Prosecution.

No grand jury action, indictment, or information was necessary to prosecute the defendant for driving without a license, since driving without a license is a misdemeanor and a misdemeanor may be charged by a citation. *Satterlee v. State*, 289 Ark. 450, 711 S.W.2d 827 (1986).

**Cited:** *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988); *Cook v. State*, 321 Ark. 641, 906 S.W.2d 681 (1995).

### 27-16-302. Unlawful use of license.

It is a misdemeanor for any person:

(1) To display, or cause or permit to be displayed, or have in his or her possession any cancelled, revoked, suspended, fictitious, or fraudulently altered driver's license;

(2) To knowingly assist or permit any other person to apply for or obtain through fraudulent application or other illegal means any Arkansas driver's license;

(3) To lend his driver's license to any other person or knowingly permit its use by another;

(4) To display or represent as one's own any driver's license not issued to him or her;

(5) To fail or refuse to surrender to the Office of Driver Services, upon its lawful demand, any driver's license which has been suspended, revoked, or cancelled;



(6) To use a false or fictitious name in any application for a driver's license, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in any application;

(7) To permit any unlawful use of a driver's license issued to him or her; or

(8) To do any act forbidden or fail to perform any act required by this act.

**History.** Acts 1937, No. 280, § 35; Pope's Dig., § 6859; Acts 1969, No. 348, § 1; A.S.A. 1947, § 75-339; Acts 1993, No. 445, § 3.

**Meaning of "this act".** See note to § 27-16-301.

### 27-16-303. Driving while license cancelled, suspended, or revoked.

(a)(1) Any person whose driver's license or driving privilege as a resident or nonresident has been cancelled, suspended, or revoked as provided in this act and who drives any motor vehicle upon the highways of this state while the license or privilege is cancelled, suspended, or revoked is guilty of a misdemeanor.

(2) Upon conviction, an offender shall be punished by imprisonment for not less than two (2) days nor more than six (6) months, and there may be imposed in addition thereto a fine of not more than five hundred dollars (\$500).

(b) The Office of Driver Services, upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended, shall extend the period of the suspension for an additional like period and, if the conviction was upon a charge of driving while a license was revoked, the office shall not issue a new license for an additional period of one (1) year from and after the date such person would otherwise have been entitled to apply for a new license.

**History.** Acts 1937, No. 280, § 37; Pope's Dig., § 6861; Acts 1959, No. 307, § 17; A.S.A. 1947, § 75-341; Acts 1993, No. 445, § 4; 1999, No. 1018, § 1.

**Meaning of "this act".** See note to § 27-16-301.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

### CASE NOTES

#### ANALYSIS

Probable Cause.  
Suspension.

#### Probable Cause.

Defendant's motion to suppress should have been granted because the officers lacked probable cause to arrest him for driving under a suspended or revoked driver's license, and consequently were precluded from inventorying his im-

pounded vehicle in which 60 kilograms (130 pounds) of cocaine were discovered; therefore, conviction reversed on appeal in order to permit defendant to withdraw his guilty plea as provided for in ARCrP 24.3(b). *Mounts v. State*, 48 Ark. App. 1, 888 S.W.2d 321 (1994).

#### Suspension.

Suspensions in one state have the effect of precluding a driver from obtaining a license in other states; that is what hap-

pens in Arkansas, and recognition of foreign state suspensions is appropriate so long as those suspensions are effective for a fixed period of time. *Sievers v. City of Fort Smith*, 320 Ark. 136, 894 S.W.2d 940 (1995).

A suspension that continues for nine or ten years is not temporary under anyone's definition and certainly exceeds the one-

year limitation set out under § 27-16-912. *Sievers v. City of Fort Smith*, 320 Ark. 136, 894 S.W.2d 940 (1995).

**Cited:** *Stevens v. State*, 319 Ark. 640, 893 S.W.2d 773 (1995); *Cook v. State*, 321 Ark. 641, 906 S.W.2d 681 (1995); *Brown v. State*, 54 Ark. App. 44, 924 S.W.2d 251 (1996); *Hazelwood v. State*, 328 Ark. 602, 945 S.W.2d 365 (1997).

**27-16-304. Permitting unauthorized person to drive.**

No person shall authorize or knowingly permit a motor vehicle owned by him or her or under his or her control to be driven upon any highway by any person who is not authorized under this chapter or is in violation of any of the provisions of this act.

**History.** Acts 1937, No. 280, § 39; Pope's Dig., § 6863; A.S.A. 1947, § 75-343.

**Meaning of "this act".** See note to § 27-16-301.

**RESEARCH REFERENCES**

**Ark. L. Rev.** Negligent Entrustment Revisited: Developments 1966-76, 30 Ark. L. Rev. 288.

**CASE NOTES**

**Cited:** *LeClaire v. Commercial Siding & Maintenance Co.*, 308 Ark. 580, 826 S.W.2d 247 (1992).

**27-16-305. Permitting minor to drive.**

No person shall cause or knowingly permit his or her child or ward under eighteen (18) years of age to drive a motor vehicle upon any highway when the minor is not authorized under this act or is in violation of any of the provisions of this act.

**History.** Acts 1937, No. 280, § 38; Pope's Dig., § 6862; Acts 1955, No. 278, § 1; A.S.A. 1947, § 75-342.

**Meaning of "this act".** See note to § 27-16-301.

**RESEARCH REFERENCES**

**Ark. L. Rev.** Parent's Liability for Tortious Operation of Automobile by Minor Child, 5 Ark. L. Rev. 192.

Responsibility of Adults for Minors Who Drive Automobiles, 9 Ark. L. Rev. 389.

Family Torts in Automobile Cases, 13 Ark. L. Rev. 299.

## CASE NOTES

**Cited:** LeClaire v. Commercial Siding & Maintenance Co., 308 Ark. 580, 826 S.W.2d 247 (1992).

**27-16-306. Perjury.**

(a) Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this act to be sworn to or affirmed, is guilty of perjury.

(b) Upon conviction, an offender shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

**History.** Acts 1937, No. 280, § 36; Pope's Dig., § 6860; A.S.A. 1947, § 75-340. **Meaning of "this act".** See note to § 27-16-301.

## CASE NOTES

**Cited:** Sievers v. City of Fort Smith, 320 Ark. 136, 894 S.W.2d 940 (1995).

**SUBCHAPTER 4 — OFFICE OF DRIVER SERVICES**

## SECTION.

27-16-401. Definitions.

27-16-402. Creation.

## SECTION.

27-16-403. [Repealed.]

27-16-404. [Repealed.]

**Effective Dates.** Acts 1965, No. 555, § 7: July 1, 1965.

Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term 'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commer-

cial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 2001, No. 1694, § 9: July 1, 2002.

**27-16-401. Definitions.**

As used in this subchapter, unless the context otherwise requires:



(1) "Commissioner" means the Director of the Department of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles of this state;

(2) "Director" means the Director of the Office of Driver Services;

(3) "Driver" means the same as provided in § 27-16-204;

(4)(A) "Serious accident" means a reportable accident in which the driver is found at fault; and

(B) The accident is placed on the driver's record by the Office of Driver Services; and

(5) "Serious traffic violation" means any violation where the driver's privilege to operate a motor vehicle has by court order or by administrative action been withdrawn or any violation in which a driver has been found guilty of:

(A) Any alcohol-related moving traffic violation;

(B) Any seat belt violation;

(C) Any commercial motor vehicle violation;

(D) Driving fifteen (15) or more miles per hour over the speed limit;

(E) Reckless driving;

(F) Negligent homicide;

(G) Using a vehicle to commit a felony;

(H) Failure to carry liability insurance;

(I) Leaving the scene of an accident;

(J) Evading arrest;

(K) Fleeing by use of an automobile;

(L) Unsafe driving;

(M) Hazardous driving;

(N) Prohibited passing;

(O) Passing stopped school bus;

(P) Careless or negligent driving;

(Q) Failure to obey a traffic signal or device;

(R) Failure to obey a railroad crossing barrier;

(S) Racing on a highway;

(T) Driving with a suspended, revoked, or cancelled license; or

(U) Driving the wrong way down a one-way street.

**History.** Acts 1965, No. 555, § 1; A.S.A. 1947, § 75-353; Acts 1993, No. 445, § 5. 2001, No. 1694, § 10.

**Publisher's Notes.** Acts 2001, No. 1694, § 9, provided: "This act shall be effective July 1, 2002."

## **27-16-402. Creation.**

(a) There is established within the Department of Finance and Administration a separate office to be known as the "Office of Driver Services" which shall, acting under the direction and supervision of the Commissioner of Motor Vehicles, administer the provisions of this chapter and the other laws of this state regarding the licensing of motor vehicle drivers and the laws relating to the suspension and revocation of their licenses.

(b) The commissioner shall, upon approval of the Governor, appoint a director of the office, and the director shall, acting under the supervision of the commissioner, serve as the principal administrative officer of the office.

**History.** Acts 1965, No. 555, § 2; A.S.A. 1947, § 75-354; Acts 1993, No. 445, § 6.

## 27-16-403. [Repealed.]

**Publisher's Notes.** This section, concerning central record files and the reporting of convictions, was repealed by Acts 1995, No. 959, § 1. The section was de-

rived from Acts 1965, No. 555, § 3; 1967, No. 294, § 1; A.S.A. 1947, § 75-355; Acts 1993, No. 445, § 7.

## 27-16-404. [Repealed.]

**Publisher's Notes.** This section, concerning issuance of operator's and chauffeur's licenses, was repealed by Acts 1989,

No. 193, § 10. The section was derived from Acts 1965, No. 555, § 4; 1967, No. 337, § 1; A.S.A. 1947, § 75-356.

# SUBCHAPTER 5 — ADMINISTRATION GENERALLY

## SECTION.

27-16-501. Records to be kept.

27-16-502. Reporting of convictions and forwarding of licenses by courts.

27-16-503. [Repealed.]

27-16-504. Record of nonresident's conviction.

## SECTION.

27-16-505. Notification of incompetency.

27-16-506. Notice of change of address or name.

27-16-507. Registration with selective service.

27-16-508. Fee for reinstatement.

27-16-509. Reciprocal agreements.

**Effective Dates.** Acts 1967, No. 205, § 3: Mar. 6, 1967. Emergency clause provided: "It is hereby found and determined by the General Assembly that there are some persons who have been declared legally incompetent but who still possess a motor vehicle operator or chauffeur license to operate a motor vehicle on the roads and highways of this State; that this is a hazard to the safety of other motor vehicle operators; that such persons are not mentally capable of properly, safely and responsibly controlling the operation of a motor vehicle, and that in order to remedy this situation, it is necessary that this Act become effective immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term 'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this

act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 2001, No. 78, § 2: Jan. 1, 2002.

Acts 2003, No. 1001, § 5: Apr. 1, 2003: Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the state is experiencing severe revenue shortages which are affecting the operation of many state agencies; that the Department of Arkansas State Police has been hit hard by these shortages which have hampered its ability to replace worn out automobiles and other equipment, not to mention its ability to attract recruits because beginning salaries have remained below average; and that this act is immediately necessary because it provides some much needed additional monies to the Department of Arkansas State Police and should be given immediate effect. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may

veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2005, No. 1992, § 6: Apr. 11, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that currently there exists some confusion as to whether the fees collected for the reinstatement of a suspended or revoked driver's license should be collected for each offense or for each reinstatement; that due to the confusion, state agencies have not been allowed to collect the revenue that they anticipated for reinstatement fees which is causing a negative fiscal impact; and that this act is immediately necessary to clarify the law to prevent the impairment of agency operations due to a loss of anticipated revenue. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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### 27-16-501. Records to be kept.

(a) The Office of Driver Services shall file every application for a license received by the office and shall maintain suitable indices containing:

(1) All applications denied and on each note the reasons for such denial;

(2) All applications granted; and

(3) The name of every licensee whose license has been suspended or revoked by the office and, after each name, note the reasons for such action.

(b) The office shall also file all accident reports and abstracts of court records of convictions received by the office under the laws of this state and, in connection therewith, maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of the licensee and the traffic accidents in which he or she has been involved may be readily ascertainable and available for the consideration of the office upon any application for renewal of license at other suitable times.



**History.** Acts 1937, No. 280, § 24; Pope's Dig., § 6848; Acts 1969, No. 110, § 1; A.S.A. 1947, § 75-328.

### **27-16-502. Reporting of convictions and forwarding of licenses by courts.**

(a) Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the driver's license of the person by the Office of Driver Services, the court in which the conviction is obtained shall require the surrender to the court of all driver's licenses then held by the person so convicted and the court shall forward the driver's licenses together with a record of the conviction to the office.

(b) Every court having jurisdiction over offenses committed under this act or any other law of this state regulating the operation of motor vehicles on highways shall forward to the office a record of the conviction of any person in the court for a violation of any laws and may recommend the suspension of the driver's license of the person so convicted.

(c)(1) As used in this section, the term "conviction" means a final conviction.

(2) For the purposes of this section, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which has not been vacated, shall be equivalent to a conviction.

**History.** Acts 1937, No. 280, § 28; Pope's Dig., § 6852; A.S.A. 1947, § 75-332; Acts 1993, No. 445, § 8.

**Meaning of "this act".** Acts 1937, No. 280, codified as §§ 27-16-101, 27-16-102, 27-16-201 — 27-16-207, 27-16-301 — 27-16-306, 27-16-501, 27-16-502, 27-16-504,

27-16-506, 27-16-601 — 27-16-605, 27-16-701 — 27-16-705, 27-16-801 — 27-16-806, 27-16-901, 27-16-903 — 27-16-913, 27-16-1001 [repealed].

**Cross References.** Report of conviction of motorized cycle operators, § 27-20-112.

### **CASE NOTES**

**Cited:** City of Fayetteville v. Bell, 205 Ark. 672, 170 S.W.2d 666 (1943).

### **27-16-503. [Repealed.]**

**Publisher's Notes.** This section, concerning report of chauffeur's conviction, was repealed by Acts 1993, No. 445, § 36.

The section was derived from Acts 1947, No. 370, § 5; A.S.A. 1947, § 75-314.

### **27-16-504. Record of nonresident's conviction.**

The Office of Driver Services is authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of the record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

**History.** Acts 1937, No. 280, § 26; Pope's Dig., § 6850; A.S.A. 1947, § 75-330.

### **27-16-505. Notification of incompetency.**

When any person is declared incompetent by reason other than minority in any county in the State of Arkansas, the probate clerk shall promptly notify the Office of Driver Services on such forms as the office shall prescribe:

- (1) The date the person was declared incompetent;
- (2) The address of the incompetent;
- (3) The person or institution having custody of the incompetent; and
- (4) The name of the guardian.

**History.** Acts 1967, No. 205, § 1; A.S.A. 1947, § 75-357.

### **27-16-506. Notice of change of address or name.**

(a) Whenever any person after applying for or receiving a driver's license shall move from the address named in such application or in the license issued to him or her or when the name of a licensee is changed by marriage or otherwise, such person shall within ten (10) days thereafter notify the Office of Driver Services in writing of his or her old and new addresses or of his or her former and new names and of the number of any license then held by him or her .

(b) An application submitted by a licensee to change the licensee's name on the licensee's driver's license must be accompanied by the original or a certified copy of one (1) of the following official documents that provides evidence of the change of the licensee's name:

- (1) A recorded marriage license;
- (2) A court order;
- (3) A divorce decree; or
- (4) Any other document, including a document issued by the Department of Homeland Security, that is deemed to be satisfactory by the office as evidence that the name change is in accordance with state and federal laws.

**History.** Acts 1937, No. 280, § 23; Pope's Dig., § 6847; A.S.A. 1947, § 75-327; Acts 1993, No. 445, § 9; 1999, No. 1077, § 2; 2007, No. 492, § 1. **Amendments.** The 2007 amendment rewrote (b).

### **27-16-507. Registration with selective service.**

(a)(1) Any United States male citizen or immigrant who is at least eighteen (18) years of age but less than twenty-six (26) years of age shall be registered for the Selective Service System when applying to the Department of Finance and Administration for the issuance, renewal, or a duplicate copy of:

- (A) A driver's license;
- (B) A commercial driver's license; or
- (C) An identification card.

(2) This registration is in compliance with the requirements of section 3 of the Military Selective Service Act, 50 U.S.C. Appx. 451 et seq.

(b) The department shall forward to the Selective Service System in an electronic format the necessary personal information required for registration of the applicants identified in this section.

(c) The applicant's submission of the application shall serve as an indication that the applicant has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration.

(d) The department shall notify the applicant on the receipt that his submission of the application for a license or identification card identified in this section will serve as his consent to be registered with the Selective Service System, if so required by federal law.

(e) The department shall attempt to enter into an agreement with the Selective Service System to share the cost and data necessary to implement this section.

**History.** Acts 2001, No. 78, § 1.

**U.S. Code.** Section 3 of the federal Military Selective Service Act, referred to in this section, is codified as 50 U.S.C. Appx. § 453.

**Publisher's Notes.** Acts 2001, No. 78, became effective Jan. 1, 2002, by its own terms.

## **27-16-508. Fee for reinstatement.**

(a) The Office of Driver Services shall collect a reinstatement fee of one hundred dollars (\$100) to be multiplied by the number of administrative orders to suspend, revoke, or cancel a driver's license, other than orders eligible for reinstatement under § 27-16-808, § 5-65-119, § 5-65-304, or § 5-65-310 and other than orders entered under § 27-16-907(a)(5).

(b) The revenues derived from this fee shall be deposited into the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

(c) The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-808.

**History.** Acts 2003, No. 1001, § 4; 2005, No. 1992, § 4.

**Amendments.** The 2005 amendment deleted former (b); redesignated former (c) as present (b); added present (c); and

substituted "be multiplied by the number ... under § 27-16-907(a)(5)" for "reinstate any suspended, revoked, or cancelled driver's license" in (a).



**27-16-509. Reciprocal agreements.**

(a)(1) As used in this section, “reciprocal agreement” means the Driver’s License Agreement or a similar proposed compact regarding the uniform transfer of driver’s license information to prevent a person from having multiple driving records in multiple states or jurisdictions.

(2) “Reciprocal agreement” includes an agreement that:

(A) Provides a consistent method of sharing driving records and updating violations in multiple states or jurisdictions, including ticket and violation information; and

(B) Takes advantage of technological advances in the transmission of data.

(b) The purpose of this section is to allow the State of Arkansas to negotiate and consummate a reciprocal agreement with the duly authorized officials or representatives of the following:

(1) A state or territory of the United States;

(2) A state, territory, district, or province of Canada or Mexico; or

(3) The government of the United States, Canada, or Mexico.

(c)(1) The Commissioner of Motor Vehicles may negotiate and consummate a reciprocal agreement as provided under this section.

(2) If the commissioner enters into a reciprocal agreement under this section, then he or she shall exercise due regard for the advantage and convenience of resident drivers and citizens of the State of Arkansas.

(3) The commissioner shall only enter into a reciprocal agreement that extends equal or greater privileges and exemptions to Arkansas motor vehicle drivers as compared to the privileges and exemptions provided to the other entity’s motor vehicle drivers.

(d)(1) The commissioner shall enter into a reciprocal agreement under this section by promulgating rules in compliance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2) The reciprocal agreement shall become effective as outlined in the reciprocal agreement.

(e)(1)(A) If the commissioner enters into a reciprocal agreement under this section, then he or she shall submit a report to the following:

(i) The cochair of the Legislative Council;

(ii) The Chair of the House Committee on Public Transportation, Technology, and Legislative Affairs and the Chair of the Senate Committee on Public Transportation, Technology, and Legislative Affairs; and

(iii) The Director of the Bureau of Legislative Research.

(B) The report shall be submitted within sixty (60) days after the reciprocal agreement becomes effective but no later than one hundred twenty (120) days before the convening of the Eighty-Sixth General Assembly regardless of the effective date of the reciprocal agreement.

(2) The report under this subsection shall include the following:

(A) Drafts of legislation that make changes to the law that are necessary to comply with the reciprocal agreement;

- (B) A report that explains the drafts of legislation;
- (C) Background information related to the recommended changes in the law, including an explanation of how other states and governments are responding to the reciprocal agreement; and
- (D) Any other information that is requested by the cochairs of the Legislative Council, the Chair of the House Committee on Public Transportation, Technology, and Legislative Affairs, and the Chair of the Senate Committee on Public Transportation, Technology, and Legislative Affairs, or the Director of the Bureau of Legislative Research.

**History.** Acts 2005, No. 446, § 1.

### SUBCHAPTER 6 — LICENSING REQUIREMENTS

#### SECTION.

- 27-16-601. License to be carried and exhibited on demand.
- 27-16-602. Driver's license required.
- 27-16-603. Persons exempted from licensing.
- 27-16-604. Persons not to be licensed.

#### SECTION.

- 27-16-605. Duties of person renting motor vehicle to another.
- 27-16-606. When residents and nonresidents to obtain state registration and license.

**Effective Dates.** Acts 1969, No. 142, § 8: July 1, 1969.

Acts 1989, No. 193, § 12: July 1, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh Arkansas General Assembly that Arkansas does not currently have any specific standards for testing the eyesight of motor vehicle and motorcycle operators; that after the initial eyesight test of an applicant for a motor vehicle or motorcycle operator's license, Arkansas does not require on renewal of the license any subsequent examination of any driver's eyesight; and therefore all drivers on the public streets and highways are endangered since many drivers with less than adequate visual acuity are able to receive or renew their motor vehicle or motorcycle operator's license. Further, it is found and determined that Arkansas driver's licenses can be renewed for a two year period or for a four year period; that this dual option for renewal of driver's licenses requires an excessive amount of administrative resources and therefore the renewal period for Arkansas driver's licenses should be limited to a single four year period for all drivers. In order to prevent any further endangerment of the

driving public and to reduce the administrative cost of issuing driver's licenses, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force from and after July 1, 1989."

Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term 'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of

public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 2001, No. 1694, § 9: July 1, 2002.

**27-16-601. License to be carried and exhibited on demand.**

(a) Every licensee shall have his or her driver’s license in his or her immediate possession at all times when operating a motor vehicle and shall display the license upon demand of a justice of the peace, a peace officer, or an employee of the Office of Driver Services.

(b) No person charged with violating this section shall be convicted if he or she produces in court a driver’s license issued to him or her and valid at the time of his or her arrest.

**History.** Acts 1937, No. 280, § 19; Pope’s Dig., § 6843; A.S.A. 1947, § 75-323; Acts 1993, No. 445, § 10.

**CASE NOTES**

**Investigatory Stop of Vehicles.**

Where a state police officer observed an automobile with out-of-state license plates which was traveling at a slow rate of speed on an interstate highway and which contained two occupants sitting low in the seat, he was justified in stopping

the vehicle to investigate the reason for the slow speed and to determine the age of the operator who was demanded to exhibit his driver’s license. *Perez v. State*, 260 Ark. 438, 541 S.W.2d 915 (1976).

**Cited:** *Brenneman v. State*, 264 Ark. 460, 573 S.W.2d 47 (1978).

**27-16-602. Driver’s license required.**

(a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless the person has a valid driver’s license under the provisions of this act.

(b)(1) No person shall receive a driver’s license unless and until he or she surrenders to the Office of Driver Services all valid driver’s licenses in his or her possession issued to him or her by any other jurisdiction.

(2) All surrendered licenses shall be returned by the office to the issuing department together with information that the licensee is now licensed in the new jurisdiction.

(3) No person shall be permitted to have more than one (1) valid driver’s license at any time.

(c)(1) No person shall drive a commercial motor vehicle as a commercial driver unless he or she holds a valid commercial driver’s license.

(2) No person shall receive a commercial driver’s license unless and until he or she surrenders to the office any noncommercial driver’s license issued to him or her or an affidavit that he or she does not possess a noncommercial driver’s license.

(3) Any person holding a valid commercial driver’s license under this chapter need not procure a noncommercial driver’s license.



(d) Any person licensed under this act may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise the privilege by any county, municipal, or local board or body having authority to adopt local police regulations.

**History.** Acts 1937, No. 280, § 7; Pope's Dig., § 6831; Acts 1959, No. 307, § 12; A.S.A. 1947, § 75-307; Acts 1993, No. 445, § 11.

**Meaning of "this act".** Acts 1937, No. 280, codified as §§ 27-16-101, 27-16-102, 27-16-201 — 27-16-207, 27-16-301 — 27-16-306, 27-16-501, 27-16-502, 27-16-504,

27-16-506, 27-16-601 — 27-16-605, 27-16-701 — 27-16-705, 27-16-801 — 27-16-806, 27-16-901, 27-16-903 — 27-16-913, 27-16-1001 [repealed].

**Cross References.** License required for motorcycles, etc., § 27-20-106.

Penalty for violation of 1959 amendatory act, § 27-50-305.

## RESEARCH REFERENCES

**Ark. L. Rev.** Responsibility of Adults for Minors Who Drive Automobiles, 9 Ark. L. Rev. 389.

## CASE NOTES

### ANALYSIS

In General.

Arrest.

Driving Without License.

### In General.

The state has the police power to promulgate regulations calculated to promote safety in the use of highways. Driving a motor vehicle on a public highway is a privilege, and not an unrestrained, natural right, and the state may require a license of those who exercise the privilege. *Satterlee v. State*, 289 Ark. 450, 711 S.W.2d 827 (1986).

### Arrest.

Custodial arrest on an expired driver's license charge was not pretextual, and

fruits of search made incident to the arrest need not have been excluded. *Williams v. State*, 23 Ark. App. 121, 743 S.W.2d 402 (1988).

### Driving Without License.

No grand jury action, indictment, or information was necessary to prosecute the defendant for driving without a license, since driving without a license is a misdemeanor and a misdemeanor may be charged by a citation. *Satterlee v. State*, 289 Ark. 450, 711 S.W.2d 827 (1986).

**Cited:** *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988); *Jones v. City of Newport*, 29 Ark. App. 42, 780 S.W.2d 338 (1989); *Jones v. State*, 314 Ark. 383, 862 S.W.2d 273 (1993).

## 27-16-603. Persons exempted from licensing.

The following persons are exempt from licensing under this act:

(1) Any person while operating a motor vehicle in the service of the Army, Air Force, Navy, or Marine Corps of the United States;

(2) Any person while operating or driving any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

(3) A nonresident who is at least sixteen (16) years of age and who has in his or her immediate possession a valid noncommercial driver's

license issued to him or her in his or her home state or country may operate a motor vehicle in this state only as a noncommercial driver;

(4) A nonresident who is at least eighteen (18) years of age and who has in his or her immediate possession a valid commercial driver's license issued to him or her by his or her home state or country may operate a motor vehicle in this state as a noncommercial driver or may operate a commercial motor vehicle as provided by § 27-23-123; and

(5) Any nonresident who is at least eighteen (18) years of age whose home state or country does not require the licensing of noncommercial drivers may operate a motor vehicle as a noncommercial driver only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of the nonresident.

**History.** Acts 1937, No. 280, § 8; Pope's Dig., § 6832; Acts 1981, No. 852, § 1; A.S.A. 1947, § 75-308; Acts 1993, No. 445, § 12; 2005, No. 879, § 3.

**Amendments.** The 2005 amendment substituted "as a noncommercial driver or

may operate a commercial motor vehicle as provided by § 27-23-123" for "either as a commercial or a noncommercial driver" in (4).

**Meaning of "this act".** See note to § 27-16-602.

### CASE NOTES

**Cited:** Jones v. City of Newport, 29 Ark. App. 42, 780 S.W.2d 338 (1989).

### 27-16-604. Persons not to be licensed.

(a) The Office of Driver Services shall not issue any license under this act to any person:

(1) As a noncommercial driver who is under eighteen (18) years of age, except that the office may issue an intermediate license as provided to any person who is at least sixteen (16) years of age and a learner's permit license to any person who is at least fourteen (14) years of age. This age restriction does not apply to a person who is at least sixteen (16) years of age and:

(A) Married;

(B) Possesses a high school diploma;

(C) Has successfully completed a General Educational Development test; or

(D) Is enlisted in the United States military;

(2) As a commercial driver who is under eighteen (18) years of age;

(3) As a commercial or noncommercial driver whose:

(A) License to operate a motor vehicle has been suspended, in whole or in part, by this state or by any other state, during the suspension; or

(B) License has been revoked, in whole or in part, by this state or by any other state, until the expiration of one (1) year after the license was revoked;

(4) As a commercial or noncommercial driver who is a habitual drunkard, a habitual user of narcotic drugs, or a habitual user of any



other drug to a degree which renders him or her incapable of safely driving a motor vehicle;

(5) As a commercial or noncommercial driver who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

(6) As a commercial or noncommercial driver who is required by this act to take an examination, unless the person shall have successfully passed the examination;

(7) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited the proof;

(8) Who is receiving any type of welfare, tax, or other benefit or exemption as a blind or nearly blind person, if the correctable vision of the person is less than 20/50 in the better eye or if the total visual field of the person is less than one hundred five degrees (105°);

(9) Whose operation of a motor vehicle on the highways the Commissioner of Motor Vehicles has good cause to believe would be inimical to public safety or welfare;

(10) Who is making an initial application for an Arkansas driver's license and who is not lawfully within the United States;

(11) Who is a noncommercial driver between sixteen (16) and eighteen (18) years of age who has not possessed a restricted license for at least six (6) months;

(12) Who is making an initial application for an Arkansas driver's license and cannot provide the information required under § 27-16-1105(a); or

(13) Who is seeking an initial application or renewal of an Arkansas driver's license or photo identification and cannot show either an Arkansas driver's license or identification, two (2) primary documents, or one (1) primary and one (1) secondary document prescribed by the Department of Finance and Administration and updated as needed.

(b) The office is authorized to secure from all state agencies involved the necessary information to comply with the provisions of this section.

(c) The department shall promulgate a list of documents acceptable under § 27-16-604(a)(12) or (13) and post the list in each revenue office in the state.

**History.** Acts 1937, No. 280, § 9; Pope's Dig., § 6833; Acts 1959, No. 307, § 13; 1967, No. 339, § 1; 1969, No. 142, § 7; A.S.A. 1947, § 75-309; Acts 1989, No. 193, § 1; 1993, No. 445, § 13; 1997, No. 208, § 33; 1997, No. 1099, § 1; 1999, No. 25, § 1; 2001, No. 1694, § 1; 2001, No. 1812, §§ 2, 3; 2007, No. 444, § 1.

**A.C.R.C. Notes.** Acts 1997, No. 208, § 1, codified as § 22-4-408, provided: "Legislative intent and purpose. The General Assembly hereby acknowledges that many of the laws relating to individuals

with disabilities are antiquated, functionally outmoded, derogatory, ambiguous or are inconsistent with more recently enacted provisions of the law. Consequently, it is the intent of the General Assembly and the purpose of this act to clarify the relevant chapters of Titles 1, 6, 9, 13, 14, 16, 17, 20, 22, 23, and 27 of the Arkansas Code Annotated of 1987."

Acts 2001, No. 1812, § 1, provided: "The purpose of this act is to clarify changes made by Act 1099 of 1997 in order to cure certain unintended consequences of the



act which have had an adverse impact on individual citizens residing in the State of Arkansas."

**Publisher's Notes.** Acts 2001, No. 1694, § 9, provided: "This act shall be effective July 1, 2002."

**Amendments.** The 2007 amendment, in (a)(12), deleted "one (1) of the following documents" following "provide" and added "the information required under § 27-16-1105(a); or" at the end; and deleted former (a)(12)(A) through (a)(12)(H).

## RESEARCH REFERENCES

**Ark. L. Rev.** Parent's Liability for Tortious Operation of Automobile by Minor Child, 5 Ark. L. Rev. 192.

Family Torts in Automobile Cases, 13 Ark. L. Rev. 299.

## CASE NOTES

### ANALYSIS

Minors.  
Proximate Cause.

#### Minors.

Alleged negligence of parent in allowing minor child to drive car without a license is for the jury, but such fact alone does not show negligence per se on the part of the parent. *Richardson v. Donaldson*, 220 Ark. 173, 246 S.W.2d 551 (1952), questioned, *Vaught v. Ross*, 244 Ark. 1218, 428 S.W.2d 631 (1968).

Parent of minor child was guilty of negligence per se where he purchased automobile for him and allowed him to operate it in violation of this section. *Carter v. Montgomery*, 226 Ark. 989, 296 S.W.2d 442 (1956).

Where a state police officer observed an automobile with out-of-state license plates which was traveling at a slow rate of speed on an interstate highway and which contained two occupants sitting low in the seat, he was justified in stopping the vehicle to investigate the reason for the slow speed and to determine the age of the operator. *Perez v. State*, 260 Ark. 438, 541 S.W.2d 915 (1976).

#### Proximate Cause.

If a violation of this section by a defendant is not the direct and proximate cause of an accident, the defendant is not liable for the injury of which complaint is made. *Carter v. Montgomery*, 226 Ark. 989, 296 S.W.2d 442 (1956).

## 27-16-605. Duties of person renting motor vehicle to another.

(a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under this act or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence, except a nonresident whose home state or country does not require that a driver be licensed.

(b) No person shall rent a motor vehicle to another until he or she has inspected the commercial or noncommercial driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of the person written in his or her presence.

(c)(1) Every person renting a motor vehicle to another shall keep a record of:

(A) The registration number of the motor vehicle so rented;

(B) The name and address of the person to whom the vehicle is rented;

(C) The number of the license of the person; and

(D) The date and place when and where the license was issued.

(2) This record shall be open to inspection by any police officer or officer or employee of the office.

**History.** Acts 1937, No. 280, § 41; Pope's Dig., § 6865; A.S.A. 1947, § 75-345; Acts 1993, No. 445, § 14.

**Meaning of "this act".** See note to § 27-16-602.

## **27-16-606. When residents and nonresidents to obtain state registration and license.**

(a) Within thirty (30) calendar days of becoming a resident, any person who is a resident of this state shall obtain an Arkansas driver's license in order to drive upon the streets and highways of this state.

(b) Any nonresident who has been physically present in this state for a period of six (6) months shall obtain an Arkansas driver's license in order to drive upon the streets and highways of this state.

**History.** Acts 1993, No. 445, § 43; 1999, No. 912, § 3.

## **SUBCHAPTER 7 — APPLICATION AND EXAMINATION**

### **SECTION.**

- 27-16-701. Application for license or instruction permit — Restricted permits.
- 27-16-702. Application of minor for instruction permit, learner's license, or intermediate driver's license.

### **SECTION.**

- 27-16-703. Release from liability.
- 27-16-704. Examinations of applicants.
- 27-16-705. Examiners.
- 27-16-706. Written test — Contents.

**A.C.R.C. Notes.** References to "this subchapter" in §§ 27-16-701 — 27-16-705 may not apply to § 27-16-706 which was enacted subsequently.

**Effective Dates.** Acts 1943, No. 128, § 2: Feb. 26, 1943. Emergency clause provided: "This act being necessary for the preservation of the public peace, health and safety of the State, an emergency is hereby declared to exist and this act shall be in full force and effect immediately from and after its passage and approval."

Acts 1961, No. 495, § 3: Mar. 17, 1961. Emergency clause provided: "It is hereby found and declared by the General Assembly that the present laws pertaining to the responsibility of parents for minors under the age of eighteen (18) years who drive automobiles is inadequately defined and that the immediate passage of this Act is necessary to remedy such situation. Therefore, an emergency is hereby de-

clared to exist and this Act being necessary for the preservation of the public peace, health and safety and welfare shall be in effect from and after the date of its passage and approval."

Acts 1987, No. 274, § 5: Mar. 17, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that drivers' license numbers should be the same as Social Security numbers to the extent possible; that in order to accomplish this conversion approximately \$150,000 will be required to cover the cost of the conversion; that this act levies an additional license renewal fee in order to generate these revenues; the additional fee should become effective at the beginning of the next fiscal year and unless this emergency clause is adopted this act may not go into effect until after the beginning of the next fiscal year. Therefore, an emergency is hereby de-



clared to exist and this Act being immediately necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 193, § 12: July 1, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh Arkansas General Assembly that Arkansas does not currently have any specific standards for testing the eyesight of motor vehicle and motorcycle operators; that after the initial eyesight test of an applicant for a motor vehicle or motorcycle operator's license, Arkansas does not require on renewal of the license any subsequent examination of any driver's eyesight; and therefore all drivers on the public streets and highways are endangered since many drivers with less than adequate visual acuity are able to receive or renew their motor vehicle or motorcycle operator's license. Further, it is found and determined that Arkansas driver's licenses can be renewed for a two year period or for a four year period; that this dual option for renewal of driver's licenses requires an excessive amount of administrative resources and therefore the renewal period for Arkansas driver's licenses should be limited to a single four year period for all drivers. In order to prevent any further endangerment of the driving public and to reduce the administrative cost of issuing driver's licenses, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force from and after July 1, 1989."

Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term 'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references

in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1994 (2nd Ex. Sess.), Nos. 30 and 31, § 9: Aug. 24, 1994. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly, meeting in Second Extraordinary Session, that under current law, sixteen and seventeen year olds can no longer enroll in adult education and attend a GED program, and the GED programs are more suitable than the public schools in meeting the educational needs of some sixteen and seventeen year olds. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 400, § 11: Mar. 7, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the immediate implementation of this Act is necessary to clarify testing requirements for home-schooled students and is further necessary to efficient operation of the Arkansas Department of Education. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2001, No. 1609, § 2: Apr. 16, 2001. Emergency clause provided: "It is hereby found and determined by the Eighty-third General Assembly that under present law students who are sixteen or seventeen years of age may not obtain a driver's license unless they have maintained at least a 'C' average for the previous semester; that the law has proven to be too restrictive; that this act will allow a student with less than a 'C' average to obtain



a restricted driver's license to drive to and from work; and that until this act goes into effect, some students may unnecessarily suffer an undue hardship. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Gover-

nor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2001, No. 1694, § 9: July 1, 2002.

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### **27-16-701. Application for license or instruction permit — Restricted permits.**

(a)(1) Every application for an instruction permit or for a commercial or noncommercial driver's license shall be made upon a form furnished by the Office of Driver Services, and every application shall be accompanied by the required fee.

(2) The commercial driver's license or noncommercial driver's license shall include the intermediate driver's license issued to persons who are less than eighteen (18) years of age and the learner's license issued to persons who are less than sixteen (16) years of age.

(b) Every application shall:

(1) State the full name, date of birth, sex, and residence address of the applicant;

(2) Briefly describe the applicant; and

(3) State whether the applicant has theretofore been licensed as a driver and, if so, when and by what state or country, whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for suspension, revocation, or refusal.

(c)(1) Every application form for an instruction permit, a commercial or noncommercial driver's license, or any renewal of these licenses or permits shall include space for the applicant's social security number if he or she has been assigned such a number.

(2) Every applicant shall supply his or her social security number on the application form when he or she has been assigned such a number.

(d) Every application for an instruction permit or for a driver's license by a person less than eighteen (18) years of age on October 1 of any year shall be accompanied by:

(1)(A) Proof of receipt of a high school diploma or its equivalent or enrollment and regular attendance in an adult education program or a public, private, or parochial school.

(i)(a) In order to be issued a license, a student enrolled in school shall present proof of a "C" average for the previous semester or similar equivalent grading period for which grades are recorded as part of the student's permanent record.

(b) However, when the student does not have the required "C" average, a restricted license may be issued to the student for the purpose of driving to and from work.

(ii) A student with disabilities receiving special education or related services or a student enrolled in an adult education program shall present proof that the student is successfully completing his or her individual education plan in order to be issued a license.

(B) "Regular attendance" in a school shall be attendance in compliance with the established written policy of the school district or school concerning truancy.

(C) "Regular attendance" in an adult education program shall be attendance in compliance with the policy for sixteen-year-olds and seventeen-year-olds established by the State Board of Workforce Education and Career Opportunities as provided for in § 6-18-222;

(2) Proof that the person is being provided schooling at home as described in § 6-15-501 et seq. in the form of a notarized copy of the written notice of intent to home school the student provided by the parent or guardian to the superintendent of the local school district as required by § 6-15-503;

(3) Proof that the person is enrolled in a postsecondary vocational-technical program, a community college, or a two-year or four-year institution of higher education; or

(4) A check of the applicant's driving record to verify that the applicant for a learner's license or an intermediate driver's license has been free of a serious accident and conviction of a serious traffic violation for the last six (6) months and that an applicant with an intermediate driver's license applying for a regular license has been free of a serious accident and conviction of a serious traffic violation for the last twelve (12) months;

(5) An acknowledgment signed by the applicant of a learner's license that the student is aware that all passengers riding in the motor vehicle shall wear seat belts at all times and that the student is restricted to driving only when accompanied by a driver over twenty-one (21) years of age; and

(6) An acknowledgment signed by the applicant for an intermediate driver's license that all passengers riding in the motor vehicle shall wear seat belts at all times.

(e) The Department of Education shall develop guidelines for use by school districts to provide a certified exemption from the "C" average requirement of subdivisions (d)(1)-(3) of this section to a student found to be performing at his or her fullest level of capability although that may be below a "C" average.

(f)(1) Any person less than eighteen (18) years of age who is unable to meet the requirements of subdivisions (d)(1)-(3) of this section may petition the office that he or she be issued a restricted permit for employment-related purposes.

(2)(A) The office shall advise the person of the time and place for making the request and for the hearing thereon, which shall be conducted within a reasonable time following the application date.

(B) Notice shall be given by mailing the notice to the last known address of the person seeking the restricted permit.



(3)(A) In cases in which demonstrable financial hardship would result from the failure to issue a learner's permit or driver's license, the Department of Finance and Administration may grant exceptions only to the extent necessary to ameliorate the hardship.

(B) If it can be demonstrated that the conditions for granting a hardship were fraudulent, the parent, guardian, or person in loco parentis shall be subject to all applicable perjury statutes.

(g) The Department of Finance and Administration shall have the power to promulgate rules and regulations to carry out the intent of this section and shall distribute to each public, private, and parochial school and each adult education program a copy of all rules and regulations adopted under this section.

**History.** Acts 1937, No. 280, § 12; Pope's Dig., § 6836; Acts 1969, No. 302, § 1; A.S.A. 1947, § 75-311; Acts 1987, No. 274, § 1; 1989, No. 8, § 1; 1991, No. 716, § 1; 1991, No. 831, § 1; 1993, No. 445, § 15; 1993, No. 971, § 1; 1994 (2nd Ex. Sess.), No. 30, § 3; 1994 (2nd Ex. Sess.), No. 31, § 3; 1997, No. 400, § 7; 1997, No. 1200, § 1; 2001, No. 1609, § 1; 2001, No. 1694, § 2; 2003, No. 836, § 1.

**A.C.R.C. Notes.** As enacted, the 1989 amendment to (c) began: "On and after January 1, 1989."

As originally amended by Acts 1993, No.

445, § 15 and No. 971, § 1, subdivisions (d)(1)(A)(i), (d)(1)(A)(ii) and (d)(2)(B) began: "After July 1, 1993."

**Publisher's Notes.** Identical Acts 1994 (2nd Ex. Sess.), Nos. 30 and 31, § 5 provided: "The Department of Vocational Education shall promulgate emergency rules and regulations to implement the provisions of this act relative to adult education within ten (10) days from and after its passage and approval."

Acts 2001, No. 1694, § 9, provided: "This act shall be effective July 1, 2002."

## RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Survey of Legislation, 2003 Arkansas General Assembly, Transportation, Social Security

Number as Driver's License Number, 26 U. Ark. Little Rock L. Rev. 504.

### 27-16-702. Application of minor for instruction permit, learner's license, or intermediate driver's license.

(a)(1)(A) The original application of any person under eighteen (18) years of age for an instruction permit, a learner's license, an intermediate driver's license, or a motor-driven cycle or motorcycle license shall be signed and verified before a person authorized to administer oaths by either the father or mother of the applicant, if either is living and has custody.

(B) In the event that neither parent is living or has custody, then the application shall be signed by the person or guardian having custody or by an employer of the minor.

(C) In the event that there is no guardian or employer, then the application shall be signed by any other responsible person who is willing to assume the obligations imposed under this subchapter upon a person signing the application of a minor.

(D) For a person under eighteen (18) years of age in the custody of the Department of Human Services, the Director of the Division of



Children and Family Services of the Department of Human Services or his or her designee may authorize an employee of the department or any foster parent to sign the application.

(2) For purposes of this section, duly authorized agents of the Commissioner of Motor Vehicles shall be authorized to administer oaths without charge.

(b)(1) Except as provided under subdivision (b)(2) of this section, any negligence or willful misconduct of a minor under eighteen (18) years of age when driving a motor vehicle upon a highway shall be imputed to the person who signed the application of the minor for a permit or license, regardless of whether the person who signed was authorized to sign under subsection (a) of this section, which person shall be liable with the minor for any damages caused by the negligence or willful misconduct.

(2)(A) For a person under eighteen (18) years of age in the custody of the Department of Human Services, any negligence or willful misconduct of the person when driving a motor vehicle upon a highway shall not be imputed to the authorized employee or authorized foster parent who signed the application of the minor for a permit or license.

(B) The authorized employee or authorized foster parent shall not be held liable in conjunction with the minor for any damages caused by the negligence or willful misconduct of the minor.

(c)(1) If any person who is required or authorized by subsection (a) of this section to sign the application of a minor in the manner therein provided shall cause, or knowingly cause, or permit his or her child or ward or employee under eighteen (18) years of age to drive a motor vehicle upon any highway, then any negligence or willful misconduct of the minor shall be imputed to this person, and this person shall be liable with the minor for any damages caused by such negligence or willful misconduct.

(2) The provisions of this subsection shall apply regardless of the fact that a learner's license or an intermediate driver's license may or may not have been issued to the minor.

(3) As used in this section, a "minor" means any person who has not attained eighteen (18) years of age.

(d) The provisions of this section shall apply in all civil actions, including, but not limited to, both actions on behalf of and actions against the persons required or authorized by subsection (a) of this section to sign the application in the manner therein provided.

**History.** Acts 1937, No. 280, § 13; Pope's Dig., § 6837; Acts 1961, No. 495, § 1; 1969, No. 302, § 2; A.S.A. 1947, § 75-315; Acts 1987, No. 409, § 1; 1993, No. 445, § 16; 1995, No. 959, §§ 3-5; 2001, No. 1694, § 3; 2007, No. 216, §§ 1-3.

**Publisher's Notes.** Acts 2001, No. 1694, § 9, provided: "This act shall be effective July 1, 2002."

**Amendments.** The 2007 amendment inserted (a)(1)(D); added (b)(2), redesignated (b) as (b)(1), and in present (b)(1), added "Except as provided under subdivision (b)(2) of this section" and made a related change; and in (c)(1), substituted "this person shall be liable" for "this personal shall be jointly and severally liable."

## RESEARCH REFERENCES

**Ark. L. Rev.** Parent's Liability for Tortious Operation of Automobile by Minor Child, 5 Ark. L. Rev. 192.

Responsibility of Adults for Minors Who Drive Automobiles, 9 Ark. L. Rev. 389.

Family Torts in Automobile Cases, 13 Ark. L. Rev. 299.

**U. Ark. Little Rock L.J.** Survey of Arkansas Law: Torts, 6 U. Ark. Little Rock L.J. 211.

## CASE NOTES

## ANALYSIS

Purpose.

Authority to Sign Application.

Comparative Negligence.

Defenses of Minors.

Highways.

Instructions.

Liability of Parents.

**Purpose.**

The statutory purpose of this section is to ensure financial responsibility for a minor's use of a vehicle, and it does not impose liability on a party signing the application for license where the law imposes none on the minor for whom the financial responsibility is assumed. *Kyser v. Porter*, 261 Ark. 351, 548 S.W.2d 128 (1977).

The intent of this section is to impute the negligence of a minor, whether such negligence is characterized as negligence, contributory negligence, or comparative negligence, to the parents. *Garrison v. Funderburk*, 262 Ark. 711, 561 S.W.2d 73 (1978).

**Authority to Sign Application.**

Only if neither parent is living is anyone else authorized to sign a minor's application for a driver's license. *Jones v. Davis*, 300 Ark. 130, 777 S.W.2d 582 (1989).

Minor's cousin, who signed his application for him even though he was not authorized to sign because the boy's mother was living and he did not have custody or guardianship of the minor, was properly found joint and severally liable for minor's negligence; the act of signing the application brought him within the purview of the statute and he could not say he should be excused from the liability incurred under the statutory provisions because he acted in a manner not authorized by that statute. *Jackson v. Houchin*, 85 Ark. App. 11, 144 S.W.3d 764 (2004).

**Comparative Negligence.**

Where a minor driving his parent's automobile was found to be a certain percent at fault in an accident, the minor's comparative negligence would be imputed to his parent. *Garrison v. Funderburk*, 262 Ark. 711, 561 S.W.2d 73 (1978).

Where a parent sues for damages on his own behalf and on behalf of a minor child in a cause of action arising out of the same negligent act, the child's contributory negligence may be asserted against the parent even though the negligence is not imputed to the parent, the parent's cause of action being deemed to be derivative and subject to the comparative negligence of the child. *Kirkendoll v. Hogan*, 267 Ark. 1083, 593 S.W.2d 498 (Ct. App. 1980).

**Defenses of Minors.**

In an action against the owner of an automobile for negligence or willful misconduct of a minor in possession of the automobile, this section does not transfer to the owner, as a bar against his own negligence, all of the defenses the minor driver may have. *Garrison v. Williams*, 246 Ark. 1172, 442 S.W.2d 231 (1969).

Since this section does not impose liability on a party signing the application for license where the law imposes none on a minor for whom the financial responsibility was assumed, defenses which the minor might have under the guest statute would also be available to the parent. *Kyser v. Porter*, 261 Ark. 351, 548 S.W.2d 128 (1977).

**Highways.**

Where a collision occurred upon a paved road on school grounds, the road leading from a parking area to the city street and being open for use by students and others having occasion to enter the school yard, it was held that such road was a highway, a "highway" being defined to be a "carriage way, a horse way, a foot way, or a navigable river." *Summerhill v. Shannon*, 235 Ark. 617, 361 S.W.2d 271 (1962).



**Instructions.**

Where the trial court refused to give a model instruction, as requested by the plaintiff, to the effect that the parents of a defendant minor child who was operating a vehicle which struck the plaintiff's decedent were required by law to sign the minor's application for an operator's license and that if they knowingly permitted the minor to drive the vehicle and if the minor was negligent, then his negligence would be charged to his parents, the refusal by the trial court was not error, since no issue was presented as to whether the parents had signed the license application or whether they had permitted the minor to drive and also since the instruction could have been prejudicial because, as the plaintiff's attorney seemed to admit, such an instruction would have made it more likely for the jury to have determined that the mi-

nor was negligent, despite its irrelevancy to that conclusion. *Andrews v. Springer*, 268 Ark. 646, 594 S.W.2d 586 (Ct. App. 1980).

**Liability of Parents.**

As to parents held liable for negligence of minor children, see *Richardson v. Donaldson*, 220 Ark. 173, 246 S.W.2d 551 (1952), questioned, *Vaught v. Ross*, 244 Ark. 1218, 428 S.W.2d 631 (1968); *Ross v. Vaught*, 246 Ark. 1002, 440 S.W.2d 540 (1969); *Garrison v. Williams*, 246 Ark. 1172, 442 S.W.2d 231 (1969); *Rogers v. Watkins*, 258 Ark. 394, 525 S.W.2d 665 (1975); *Rogers v. MFA Mut. Ins. Co.*, 262 Ark. 55, 554 S.W.2d 327 (1977).

**Cited:** *Elrod v. G & R Constr. Co.*, 275 Ark. 151, 628 S.W.2d 17 (1982); *Jones v. Davis*, 300 Ark. 130, 777 S.W.2d 582 (1989); *LeClaire v. Commercial Siding & Maintenance Co.*, 308 Ark. 580, 826 S.W.2d 247 (1992).

**27-16-703. Release from liability.**

(a) Any person who has signed the application of a minor for a license may thereafter file with the Office of Driver Services a verified written request that the license of the minor so granted be cancelled.

(b) The office shall cancel the license of the minor and the person who signed the application of the minor shall be relieved from the liability imposed under this chapter by reason of having signed the application on account of any subsequent negligence or willful misconduct of the minor in operating a motor vehicle.

**History.** Acts 1937, No. 280, § 14; Pope's Dig., § 6838; A.S.A. 1947, § 75-316.

**27-16-704. Examinations of applicants.**

(a) Every applicant for a driver's license, except as otherwise provided in this act, shall be examined in accordance with the provisions of this section.

(b)(1) The examination shall be held within not more than thirty (30) days from the date that application is made.

(2) The examination shall include a test of the applicant's eyesight, ability to read and understand the highway traffic laws of this state, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle, and any further physical and mental examination deemed necessary by the Office of Driver Services to operate a motor vehicle safely upon the highways.

(3) The test of the applicant's eyesight shall examine his or her visual acuity to read road signs and identify objects at a distance.



(4) The applicant shall have a minimum uncorrected visual acuity of 20/40 for an unrestricted license and a minimum corrected visual acuity of 20/50 for a restricted license. The applicant's field of vision shall be at least one hundred forty degrees (140°) for a person with two (2) functional eyes and at least one hundred five degrees (105°) for a person with one (1) functional eye.

(5) Applicants who fail the eyesight test shall be instructed that they should have their eyes examined by an eye care professional and secure corrective lenses, if necessary.

(6) The test of the applicant's eyesight shall be made on an optical testing instrument approved under standards established by the Director of the Department of Finance and Administration and the Department of Arkansas State Police.

(7) In addition, the applicant for a learner's license and an intermediate driver's license shall have the student's driving record checked to verify that the student has been free of a serious accident and conviction of a serious traffic violation for the last six (6) months and that an applicant with an intermediate driver's license applying for a regular license has been free of a serious accident and conviction of a serious traffic violation for the last twelve (12) months.

(c)(1) No applicant for an original license, that is, an applicant who has never been licensed previously by any jurisdiction, shall be permitted to demonstrate ability to operate a motor vehicle as required under the provisions of this chapter unless and until the applicant has in his or her possession a valid instruction permit properly issued not less than thirty (30) days prior to the date of application, unless otherwise determined by the office.

(2) The instruction permit required under this subchapter shall be issued in accordance with the provisions of this act.

**History.** Acts 1937, No. 280, § 16; Pope's Dig., § 6840; Acts 1969, No. 141, § 1; 1977, No. 863, § 1; A.S.A. 1947, § 75-318; Acts 1989, No. 193, § 2; 1993, No. 445, § 17; 2001, No. 1694, § 4; 2003, No. 217, § 1.

**Publisher's Notes.** Acts 2001, No. 1694, § 9, provided: "This act shall be effective July 1, 2002."

**Meaning of "this act".** Acts 1937, No.

280, codified as §§ 27-16-101, 27-16-102, 27-16-201 — 27-16-207, 27-16-301 — 27-16-306, 27-16-501, 27-16-502, 27-16-504, 27-16-506, 27-16-601 — 27-16-605, 27-16-701 — 27-16-705, 27-16-801 — 27-16-806, 27-16-901, 27-16-903 — 27-16-913, 27-16-1001 [repealed].

**Cross References.** Operator's examination, § 27-20-108.

## 27-16-705. Examiners.

(a) An examination as provided for in this subchapter shall be conducted by the Department of Arkansas State Police or by the duly authorized agents of the Director of the Department of Finance and Administration.

(b) No examination shall be conducted by local law enforcement officers or local citizens.

**History.** Acts 1937, No. 280, § 17; Pope's Dig., § 6841; Acts 1943, No. 128, § 1; A.S.A. 1947, § 75-319.

## 27-16-706. Written test — Contents.

The driver's license test shall include written questions concerning:

- (1) The effects of the consumption of alcoholic beverage products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;
- (2) The legal and financial consequences resulting from violations of the state's laws prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs;
- (3) Accessible parking for a person with a disability; and
- (4) Penalties for the unauthorized use of parking designated for the exclusive use of a person with a disability.

**History.** Acts 1995, No. 711, § 1; 1995, No. 1105, § 1; 2007, No. 753, § 5.

**A.C.R.C. Notes.** References to "this chapter" in §§ 27-16-101 — 27-16-915 may not apply to this section which was enacted subsequently.

References to "this subchapter" in

§§ 27-16-701 — 27-16-705 may not apply to this section which was enacted subsequently.

**Amendments.** The 2007 amendment added (3) and (4), and made related changes.

## SUBCHAPTER 8 — ISSUANCE OF LICENSES AND PERMITS

### SECTION.

- 27-16-801. Licenses generally — Validity periods — Contents — Fees — Disposition of moneys.
- 27-16-802. Instruction permits.
- 27-16-803. Temporary permits.
- 27-16-804. Restricted licenses, learner's licenses, and intermediate licenses.
- 27-16-805. Identification purposes only.

### SECTION.

- 27-16-806. Duplicates or substitutes.
- 27-16-807. Issuance to nonresident and military licensees.
- 27-16-808. Reinstatement charge.
- 27-16-809. Reciprocal recognition of foreign licenses.
- 27-16-810. [Repealed.]
- 27-16-811. Exception to disclosing residence address — Address confidentiality program.

**Effective Dates.** Acts 1939, No. 72, § 3: approved Feb. 10, 1939.

Acts 1941, No. 370, § 3: approved Mar. 26, 1941. Emergency clause provided: "It is hereby determined that the State Police Department is in need of additional funds for the efficient operation of said department, and it is further determined that by this efficient operation of said department the death rate from motor vehicle accidents has been greatly reduced and that by employing additional police as members of the department, crime will be further deterred; therefore, an emergency

is declared to exist, this act being necessary for the public peace, health, and safety shall be in force and effect from and after its passage."

Acts 1957, No. 24, §§ 1, 3: Jan. 1, 1958. Emergency clause provided: "It has been found and is hereby declared by the General Assembly of the State of Arkansas: (1) that traffic accidents resulting in injuries and deaths to persons and damages to property are increasing at an alarming rate, due in part to increased use of the highways; (2) that present appropriations and revenues for employment of personnel



in the Department of Arkansas State Police are wholly inadequate to properly handle the problem of highway safety; and (3) that only the provisions of this act will provide funds in amounts sufficient to employ the necessary personnel to patrol the highways and thereby reduce the incidents of highway accidents. It has also been found and is hereby declared by the General Assembly that in order for the Department of Arkansas State Police to properly plan its program of operation in the light of the additional revenues to be derived under the provisions of this act, and in order that the necessary driver's license forms may be prepared, printed and made available for distribution, this act take effect without delay. Therefore, an emergency is hereby declared to exist, and this act being necessary for the preservation of public peace, health and safety shall take effect and be in full force from and after the date of its passage and approval." Approved February 8, 1957.

Acts 1963, No. 147, § 2: Mar. 4, 1963. Emergency clause provided: "It is hereby found and determined by the General Assembly that there is no provision in the Arkansas law authorizing the issuance of driver's licenses without examination to persons holding a license issued by another state or the armed services; that the lack of such provision creates a hardship on new residents of this state and on persons returning to the state after serving their country in the armed services of the United States, and that this situation should be corrected immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from the date of its passage and approval."

Acts 1965, No. 493, § 10: Mar. 20, 1965. Emergency clause provided: "It has been found and is hereby declared by the General Assembly of the State of Arkansas: (a) that traffic accidents resulting in injuries and deaths of persons and damages to property are increasing at an alarming rate; (b) that present revenues for employment of personnel in the Department of Arkansas State Police are wholly inadequate to properly handle the problem of highway safety; and (c) that only the provisions of this act will tend to provide funds in amounts sufficient to employ the necessary personnel to patrol the high-

ways and thereby reduce the incidence of highway accidents. Therefore an emergency is hereby declared to exist, and this act being necessary for the preservation of public peace, health and safety shall take effect and be in full force on and after its passage and approval."

Acts 1969, No. 276, § 5: Mar. 18, 1969. Emergency clause provided: "It is hereby found and is hereby determined by the General Assembly of the State of Arkansas that traffic accidents resulting in injuries and deaths to persons and damage to property are increasing at an alarming rate, due in part to increased use of the highways; that present appropriations and revenues for employment of personnel in the Department of Arkansas State Police are wholly inadequate to properly handle the problem of highway safety; and, that only the provisions of this act will provide funds in an amount sufficient to employ necessary personnel to patrol the highways and thereby reduce the incidents of highway accidents. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 274, § 5: Mar. 17, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that drivers' license numbers should be the same as Social Security numbers to the extent possible; that in order to accomplish this conversion approximately \$150,000 will be required to cover the cost of the conversion; that this act levies an additional license renewal fee in order to generate these revenues; the additional fee should become effective at the beginning of the next fiscal year and unless this emergency clause is adopted this act may not go into effect until after the beginning of the next fiscal year. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 193, § 12: July 1, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh Arkansas General Assembly that Arkansas does not currently have any



specific standards for testing the eyesight of motor vehicle and motorcycle operators; that after the initial eyesight test of an applicant for a motor vehicle or motorcycle operator's license, Arkansas does not require on renewal of the license any subsequent examination of any driver's eyesight; and therefore all drivers on the public streets and highways are endangered since many drivers with less than adequate visual acuity are able to receive or renew their motor vehicle or motorcycle operator's license. Further, it is found and determined that Arkansas driver's licenses can be renewed for a two year period or for a four year period; that this dual option for renewal of driver's licenses requires an excessive amount of administrative resources and therefore the renewal period for Arkansas driver's licenses should be limited to a single four year period for all drivers. In order to prevent any further endangerment of the driving public and to reduce the administrative cost of issuing driver's licenses, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force from and after July 1, 1989."

Acts 1991, No. 782, § 6: July 1, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly that the effectiveness of this Act on July 1, 1991 is essential to the operation of the Arkansas State Police and the Department of Finance and Administration and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1991 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1991."

Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term

'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 2001, No. 1500, § 2: May 1, 2001. Emergency clause provided: "It is found and determined by the General Assembly that the State Police Insurance System is under-funded; that the failure of this act to provide immediate additional revenue for the system will disrupt the proper administration of the State Police Insurance System, and such a disruption could work irreparable harm upon the proper administration and coverage of essential insurance protection provided to officers of the Department of Arkansas State Police. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on May 1, 2001."

Acts 2001, No. 1694, § 9: July 1, 2002.

Acts 2003, No. 1001, § 5: Apr. 1, 2003: Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the state is experiencing severe revenue shortages which are affecting the operation of many state agencies; that the Department of Arkansas State Police has been hit hard by these shortages which have hampered its ability to replace worn out automobiles and other equipment, not to mention its ability to attract recruits because beginning salaries have remained below average; and that this act is immediately necessary because it provides some much needed additional monies to the Department of Arkansas State Police and should be given immediate effect. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The

date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2005, No. 1992, § 6: Apr. 11, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that currently there exists some confusion as to whether the fees collected for the reinstatement of a suspended or revoked driver’s license should be collected for each offense or for each reinstatement; that due to the confusion, state agencies have not been allowed to collect the revenue that they anticipated for reinstatement fees which is causing a negative fiscal impact; and that this act is immediately necessary to clarify the law to prevent the impairment of agency operations due to a loss of anticipated revenue. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If

the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2007, No. 839, § 10: Apr. 3, 2007. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the donation of parts of human bodies provides a significant source for protecting the health and safety of the citizens of Arkansas; and that continuous advances in the technology of human transplants and the inherent limitations incident to transplantation from dead bodies require that this act become effective immediately. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

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### **27-16-801. Licenses generally — Validity periods — Contents — Fees — Disposition of moneys.**

(a)(1) In a manner prescribed by the Commissioner of Motor Vehicles, the Office of Motor Vehicle shall issue:

(A) A Class D license or a Class M license to each applicant qualified therefor, for a period of four (4) years, upon payment of twelve dollars (\$12.00);

(B) A Class MD license to each applicant qualified therefor, for a period of not more than two (2) years, upon payment of two dollars (\$2.00);

(C) Every applicant for a Class D, Class M, or Class MD license under §§ 27-16-704, 27-16-807, or 27-20-108 shall pay an examination fee of five dollars (\$5.00) for the first examination and a fee of five dollars (\$5.00) for each subsequent examination, except that for each examination after the third examination there shall be no charge if the applicant produces receipts for having paid the fees for the previous examinations. The examination fee shall be remitted in a manner prescribed by the commissioner.

(2) Each license shall include:

(A) A distinguishing number assigned to the licensee;



(B)(i) Except as provided under subdivision (a)(2)(B)(ii) of this section, the name, residence address, date of birth, and a brief description of the licensee.

(ii) The following exceptions to providing a residence address and instead providing a post office box address shall be allowed at the option of the licensee:

(a) If the licensee is a law enforcement officer; or

(b) If the licensee is a victim of domestic violence or the dependent of a victim of domestic violence as provided under § 27-16-811; and

(C) A space upon which the licensee may affix his or her signature.

(3) The licensee shall affix his or her signature in ink in a space provided, and no license shall be valid until it shall have been so signed by the licensee.

(4) At the time of initial issuance or at the time of renewal of a license, the distinguishing number assigned to the licensee for his or her license shall be a nine-digit number assigned to the specific licensee by the commissioner.

(b)(1) All licenses, as described in subsection (a) of this section, shall include a color photograph of the licensee, and such photograph shall be made a part of the license at the time of application. If the licensee is under eighteen (18) years of age at the time the license is issued, the license shall state that the licensee was under eighteen (18) years of age at the time of issuance. If the licensee was at least eighteen (18) years of age but under twenty-one (21) years of age at the time the license is issued, the license shall state that the licensee was under twenty-one (21) years of age at the time the license was issued.

(2) A license may be valid without a photograph of the licensee when the commissioner is advised that the requirement of the photograph is either objectionable on the grounds of religious belief or the licensee is unavailable to have the photograph made.

(c)(1) In addition to the license fee prescribed by subsection (a) of this section, the office shall collect a penalty equal to fifty percent (50%) of the amount thereof from each driver, otherwise qualified, who shall operate a motor vehicle over the highways of this state without a valid license.

(2) Such penalty shall be in addition to any other penalty that may be prescribed by law.

(d) All license fees collected under subsection (a) of this section shall be deposited into the State Treasury as special revenues, and the net amount thereof shall be credited to the Department of Arkansas State Police Fund, to be used for the operation, maintenance, and improvement of the Department of Arkansas State Police.

(e)(1) The office shall not charge an additional fee for the color photograph provided for in subsection (b) of this section for those applicants making a renewal application for the first time.

(2) In addition to the regular license fee, a fee of one dollar (\$1.00) shall be charged for all subsequent renewals.

(3) All persons applying for an Arkansas license for the first time and all persons who are required to take the driver's written examination as



provided for in this act shall be charged the additional fee of one dollar (\$1.00).

(4) All persons who are required to have their eyesight tested prior to initial licensing or upon subsequent license renewal as provided for in this act shall be charged an additional fee of one dollar (\$1.00) upon issuance of the license.

(f) Moneys collected from the penalty fee provided in subsection (c) of this section and the fees provided in subsection (e) of this section shall be deposited into the State Treasury into the Constitutional Officers Fund and the State Central Services Fund, and the net amount shall be credited to the Department of Finance and Administration to be used to help defray the cost of the driver license program which shall be payable therefrom.

(g) Such fees as are collected under subsection (a) of this section shall be remitted to the State Treasury, there to be deposited as special revenues to the credit of the Department of Arkansas State Police Fund, to be used for the operation, maintenance, and improvement of the Department of Arkansas State Police.

(h)(1) In addition to the license fees imposed in subsections (a) and (e) of this section, a fee of six dollars (\$6.00) shall be charged for the issuance or renewal of any Class D, M, or MD license.

(2) The fees collected under this subsection shall be remitted to the State Treasury, there to be deposited as special revenues to the credit of the Department of Arkansas State Police Fund, to be used for the payment of health insurance premiums for uniformed employees of the Department of Arkansas State Police.

**History.** Acts 1937, No. 280, §§ 18, 21; Pope's Dig., § 6842; Acts 1939, No. 72, § 1; 1941, No. 370, § 1; 1947, No. 393, § 1; 1957, No. 24, § 1; 1965, No. 493, § 1; 1967, No. 338, § 1; 1969, No. 276, § 1; 1977, No. 311, § 1; A.S.A. 1947, §§ 75-320, 75-325; Acts 1987, No. 274, § 2; 1989, No. 8, § 2; 1989, No. 193, § 3; 1989, No. 241, § 25; 1991, No. 782, §§ 1, 2; 1993, No. 445, §§ 18, 19; 1993, No. 1168, § 1; 1997, No. 495, § 1; 1999, No. 1004, § 1; 2001, No. 1500, § 1; 2001, No. 1694, § 5; 2003, No. 836, § 2; 2005, No. 1233, § 2; 2007, No. 839, § 9.

**A.C.R.C. Notes.** As enacted, the 1989 amendment to (a)(4)(A) began: "On and after January 1, 1989."

Acts 2001, No. 1694, § 9, provided: "This act shall be effective July 1, 2002."

**Publisher's Notes.** Acts 1969, No. 276, § 2, provided that the increased motor vehicle operator's license fee provided in § 1 of the act shall be applicable only to new motor vehicle operator's licenses issued or the renewal of existing motor

vehicle operator's licenses on or after the effective date of the act.

Prior to the 2001 amendment by No. 1694, subdivision (a)(2)(B) read: "(B) The name, residence address (if the licensee is a law enforcement officer, at the officer's option the license shall disclose a postoffice box in lieu of the resident address), date of birth, and a brief description of the licensee; and." The text enclosed in parentheses was neither set out nor specifically deleted in Acts 2001, No. 1694, § 5.

Prior to the 2001 amendment by No. 1694, subdivision (b)(1)(A) contained two (2) additional sentences which read: "If the licensee is under eighteen years of age at the time the license is issued, the license shall state that the licensee was under eighteen years of age at the time of issuance. If the licensee was at least eighteen years of age but under twenty-one years of age at the time the license is issued, the license shall state that the licensee was under twenty-one years of age at the time the license was issued." This additional language was neither set

out nor specifically deleted in Acts 2001, No. 1694, § 5.

**Amendments.** The 2005 amendment, in present (a)(2)(B)(i), inserted "Except as provided under subdivision (a)(2)(B)(ii) of this section" and deleted "(if the licensee is a law enforcement officer, at the officer's option the license shall disclose a post office box in lieu of the residence address)"; and added (a)(2)(B)(ii).

The 2007 amendment deleted former (f) and redesignated the following subdivisions accordingly.

**Meaning of "this act".** Acts 1937, No. 280, codified as §§ 27-16-101, 27-16-102, 27-16-201 — 27-16-207, 27-16-301 — 27-16-306, 27-16-501, 27-16-502, 27-16-504, 27-16-506, 27-16-601 — 27-16-605, 27-16-701 — 27-16-705, 27-16-801 — 27-16-806, 27-16-901, 27-16-903 — 27-16-913, 27-16-1001 [repealed].

**Cross References.** Motorcycle operator's license, § 27-20-107.

Revised Arkansas Anatomical Gift Act, § 20-17-1201 et seq.

## RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Survey of Legislation, 2003 Arkansas General Assembly, Transportation, Social Security

Number as Driver's License Number, 26 U. Ark. Little Rock L. Rev. 504.

### 27-16-802. Instruction permits.

(a)(1) Any person who is at least fourteen (14) years of age may apply to the Office of Driver Services for an instruction permit.

(2) After the applicant has successfully passed all parts of the examination other than the driving test, the office may, in its discretion, issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his or her immediate possession to drive a motor vehicle upon the public highways for a period of six (6) months when accompanied by a licensed driver who is at least twenty-one (21) years of age and who is occupying a seat beside the driver, except in the event that the permittee is operating a motorcycle.

(3) Any instruction permit may be renewed or a new permit issued for an additional period of six (6) months as long as the permittee has remained free of a serious accident and conviction of a serious traffic violation for at least the previous six (6) months.

(4) Any passengers riding in the motor vehicle while a permittee is driving shall wear seat belts at all times.

(b)(1) The office, upon receiving proper application may, in its discretion, issue a restricted instruction permit effective for a school year or a more restricted permit to an applicant who is enrolled in a driver education program which includes practice driving and which is approved by the office even though the applicant has not reached the legal age to be eligible for a noncommercial license.

(2) The instruction permit shall entitle the permittee when he or she has the permit in his or her immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.



**History.** Acts 1937, No. 280, § 11; Pope's Dig., § 6835; Acts 1959, No. 307, § 14; A.S.A. 1947, § 75-310; Acts 1993, No. 445, § 20; 1997, No. 478, § 1; 1999, No. 25, § 2; 2001, No. 1694, § 6.

**A.C.R.C. Notes.** Acts 2001, No. 1694, § 9, provided: "This act shall be effective July 1, 2002."

**Publisher's Notes.** Prior to the 2001

amendment, subdivision (a)(2) contained the phrase "eighteen (18) years of age or older" after the phrase "accompanied by a licensed driver." The omitted language was neither set out in nor specifically deleted from Acts 2001, No. 1694, § 6.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

**Cited:** Boyd v. Connell, 293 Ark. 531, 739 S.W.2d 536 (1987).

### 27-16-803. Temporary permits.

(a) The Office of Driver Services may, in its discretion, issue a temporary driver's permit to an applicant for a driver's license permitting him to operate a motor vehicle while the office is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license.

(b)(1) The office may also, in its discretion, issue a temporary driver's permit to an applicant for a driver's license, permitting him or her to operate a motor vehicle, whose license has expired and who must be retested by the office as provided for in § 27-16-704.

(2) The temporary permit shall be valid for not more than thirty (30) days.

(3) The permit must be in his or her immediate possession while operating a motor vehicle, and the permit shall be invalid when the applicant's license has been issued or for good cause has been refused.

(c)(1) The office may issue a temporary driver's permit to an applicant for a commercial driver's license whose license has expired and who must be retested as provided for in the Arkansas Uniform Commercial Driver License Act, § 27-23-101 et seq., permitting him or her to operate a commercial motor vehicle.

(2) The temporary permit shall be valid for not more than sixty (60) days.

(3) The permit must be in his or her immediate possession while operating a commercial motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

(4) The office shall charge a ten dollar (\$10.00) fee for the issuance of a temporary permit under this subsection. All license fees collected herein shall be deposited in accordance with § 27-16-801 into the State Treasury as special revenues, and the net amount thereof shall be credited to the Department of Arkansas State Police Fund to be used for the operation, maintenance, and improvement of the Department of Arkansas State Police.

(d) All temporary permits issued under this section will expire on March 31, 1992.



**History.** Acts 1937, No. 280, § 11; Pope's Dig., § 6835; Acts 1959, No. 307, § 14; 1983, No. 514, § 1; A.S.A. 1947, § 75-310; Acts 1989, No. 707, §§ 1, 2; 1993, No. 445, § 21.

**Publisher's Notes.** Acts 1989, No. 707, § 4, provided that it is the intent of that

act to be read in conjunction with the Arkansas Uniform Commercial Drivers License Act and it is not intended to repeal the Arkansas Uniform Commercial Drivers License Act.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

### **27-16-804. Restricted licenses, learner's licenses, and intermediate licenses.**

(a) The Office of Driver Services, upon issuing any driver's license, shall have authority, whenever good cause appears, to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or other restrictions applicable to the licensee as the office may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b)(1) The office may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(2)(A) The office may, upon showing of need, waive any age restriction set forth in this chapter.

(B) The waiver of the age restrictions for need is subject to review upon a complaint from certain officials under subsection (d) of this section.

(c) All licensees who have a tested uncorrected visual acuity of less than 20/40 shall be restricted to the operation of a motor vehicle, motorcycle, or motor-driven cycle only while they are wearing corrective lenses. No person shall be allowed to operate a motor vehicle, motorcycle, or a motor-driven cycle if he or she has a tested corrected visual acuity of less than 20/50 or if he or she has a field of vision less than one hundred forty degrees (140°) with two (2) functioning eyes or less than one hundred five degrees (105°) with one (1) functioning eye.

(d)(1) The office may, upon receiving satisfactory evidence of any violation of the restrictions of a license, suspend or revoke the license, but the licensees shall be entitled to a hearing as upon a suspension or revocation under this chapter.

(2)(A) Upon receiving a complaint from a prosecuting attorney, a city attorney, or a certified law enforcement officer, the office shall review the validity of any waiver of age restrictions based on need and any violations of restrictions placed on a license.

(B) The licensee is entitled to a hearing, which the complaining official may attend, to review the need of the waiver or any violations of the restrictions of the license.

(C) The office shall suspend or revoke the waiver if there is evidence that the need for the waiver has changed or is no longer valid or that the licensee violated any of the restrictions of the license.

(e) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him or her.

(f)(1) The office shall have authority to issue a restricted driver's license, to be known as a "learner's license", to those persons under sixteen (16) years of age.

(2) The learner's license shall be issued only to an applicant with a valid instruction permit who is at least fourteen (14) years of age, who has remained free of a serious accident and conviction of a serious traffic violation in the previous six (6) months, and who meets all other licensing examinations requirements of this chapter.

(3) The driver with a learner's license shall operate the motor vehicle on the public streets and highways only when:

(A) All passengers in the vehicle are wearing their seat belts at all times; and

(B) The driver with a learner's permit is being accompanied by a driver over twenty-one (21) years of age.

(g)(1) The office shall have authority to issue to those persons under eighteen (18) years of age a restricted driver's license to be known as an "intermediate driver's license".

(2) The intermediate driver's license shall be issued only to an applicant with a valid instruction permit or a learner's license who is at least sixteen (16) years of age, who has remained free of a serious accident and conviction of a serious traffic violation for at least the previous six (6) months, and who meets all other licensing examination requirements of this chapter.

(3) The driver with an intermediate driver's license shall operate the motor vehicle on the public streets and highways only when all passengers in the vehicle are wearing their seat belts.

(h) No motor vehicle, nor the operator of a vehicle, nor the passengers of the vehicle shall be stopped, inspected, or detained solely to determine compliance with the requirement set out in this subchapter for wearing a seat belt.

**History.** Acts 1937, No. 280, § 20; Pope's Dig., § 6844; Acts 1969, No. 350, § 1; 1977, No. 863, § 2; A.S.A. 1947, § 75-324; Acts 1989, No. 193, § 4; 1993, No. 445, § 22; 1997, No. 478, § 2; 2001, No. 1694, § 7; 2003, No. 268, §§ 1, 2.

**A.C.R.C. Notes.** Acts 2001, No. 1694, § 9, provided: "This act shall be effective July 1, 2002."

## **27-16-805. Identification purposes only.**

(a)(1) The Office of Driver Services may issue an identification card to those Arkansas residents five (5) years of age or older who are not licensed drivers.

(2) The fee for the card shall be five dollars (\$5.00).

(b)(1)(A) For those persons under sixty (60) years of age, the card shall be valid for either four (4) years or two (2) years, depending on the person's age, and is renewable upon expiration.

(B) For persons fourteen (14) years of age and older, the card shall be valid for four (4) years from the date of issue.



(C) For persons five (5) to thirteen (13) years of age, the card shall be valid for two (2) years from the date of issue, and a parent or legal guardian must accompany the applicant to the issuing location and sign the electronic application.

(2) Those persons who are sixty (60) years of age or older who qualify for this card shall be issued the card to be valid for the life of the holder.

(c) Each card shall contain:

(1) A color photograph of the applicant;

(2) A physical description;

(3) The birthdate;

(4) The address;

(5) The date of issue; and

(6) The expiration date.

(d)(1) Any person who applies for a card shall be required to show proof of identity.

(2) Refusal of an applicant to show proof shall result in denial of the application.

**History.** Acts 1937, No. 280, § 21; A.S.A. 1947, § 75-325; Acts 1989, No. 385, 1977, No. 311, § 2; 1985, No. 1039, § 1; § 1; 2003, No. 211, § 1.

## **27-16-806. Duplicates or substitutes.**

(a) In the event that an instruction permit or driver's license issued under the provisions of this act is lost or destroyed, the person to whom it was issued may obtain a duplicate or substitute upon payment of five dollars (\$5.00) and upon furnishing proof satisfactory to the Office of Driver Services that the permit or license has been lost or destroyed.

(b) Moneys collected under the provisions of this section shall be deposited into the State Treasury into the Constitutional Officers Fund and the State Central Services Fund, and the net amount shall be credited to the Department of Finance and Administration to be used to help defray the cost of the color photograph driver license program, which shall be payable therefrom.

(c) In addition to the fee imposed in subsection (a), an additional fee of five dollars (\$5.00) shall be collected and deposited into the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

**History.** Acts 1937, No. 280, § 21; Pope's Dig., § 6845; Acts 1977, No. 311, § 2; A.S.A. 1947, § 75-325; Acts 1989, No. 385, § 2; 1993, No. 445, § 23; 2003, No. 1001, § 2. **Meaning of "this act".** See note to § 27-16-801.

## **27-16-807. Issuance to nonresident and military licensees.**

(a)(1) A person sixteen (16) years of age or older who shall present to the Office of Driver Services, or an authorized agent thereof, a valid driver's license issued to the person by another state or by a branch of



the armed services of the United States that is currently valid or that expired not more than thirty-one (31) days prior to the date presented shall be issued an Arkansas driver's license if he or she:

- (A) Surrenders the license to the office;
- (B) Pays the license fee prescribed in § 27-16-801(a);
- (C) Pays the other fees required by § 27-16-801(e);
- (D) Pays a transfer fee of five dollars (\$5.00); and
- (E) Is tested and passes the minimum requirements of the eye-sight test prescribed in this chapter.

(2) A person sixteen (16) years of age or older who shall present to the office a driver's license issued to the person by another state or by a branch of the armed services of the United States that expired more than thirty-one (31) days prior to the date presented shall be issued an Arkansas driver's license if he or she:

- (A) Is the spouse of a member of the military who was living outside of the United States due to a military duty assignment of the person's spouse when the license expired;
- (B) Surrenders the license to the office;
- (C) Pays the license fee prescribed in § 27-16-801(a);
- (D) Pays the other fees required by § 27-16-801(e);
- (E) Pays a transfer fee of five dollars (\$5.00); and
- (F) Is tested and passes the minimum requirements of the eye-sight test prescribed in this chapter.

(b) The five dollar (\$5.00) transfer fee is to be paid in lieu of the fees prescribed by § 27-16-801(a)(1)(C), but shall be collected and deposited in the same manner as prescribed by § 27-16-801(d).

**History.** Acts 1963, No. 147, § 1; A.S.A. in (a)(1), substituted "A person" for "Any person" and "that" for "which," and made minor punctuation changes; and added

1947, § 75-352; Acts 1989, No. 193, § 5; 1995, No. 413, § 1; 2005, No. 235, § 1. (a)(2).

**Amendments.** The 2005 amendment redesignated former (a) as present (a)(1);

### 27-16-808. Reinstatement charge.

(a) The Office of Driver Services shall charge a fee to be calculated as provided under subsection (c) of this section for reinstating a driver's license suspended because of a conviction for any violation or offense.

(b) All proceeds remitted to the office pursuant to the provisions of this section shall be deposited as follows:

(1) Twenty-five percent (25%) to the State Police Retirement Fund; and

(2) Seventy-five percent (75%) to the State Treasury as special revenues to the credit of the Department of Arkansas State Police Fund.

(c)(1) The reinstatement fee under this section shall be calculated by multiplying one hundred dollars (\$100) by each separate occurrence of offenses under any other provision of the law resulting in:

- (A) A court order directing the office to suspend the driving privileges of the person; or
- (B) The office entering a suspension order.

(2) The fee under this section is supplemental to and in addition to any fee imposed under § 5-65-119, § 5-65-304, § 5-65-310, or § 27-16-508.

(3) As used in this section, “occurrence” means each separate calendar date when an offense or offenses take place.

**History.** Acts 1995, No. 730, § 1; 2003, No. 1001, § 3; 2005, No. 1992, § 3.

**A.C.R.C. Notes.** References to “this chapter” in §§ 27-16-101 — 27-16-915 may not apply to this section which was enacted subsequently.

**Amendments.** The 2005 amendment substituted “to be calculated as provided under subsection (c) of this section” for “of one hundred dollars (\$100)” in (a); and added (c).

### **27-16-809. Reciprocal recognition of foreign licenses.**

The Department of Finance and Administration is authorized to enter into driver license agreements or other cooperative arrangements with foreign countries for the reciprocal recognition of drivers’ licenses.

**History.** Acts 1997, No. 1100, § 1.

### **27-16-810. [Repealed.]**

**Publisher’s Notes.** This section, concerning voluntary contributions to organ donor awareness education trust fund,

was repealed by Acts 2005, No. 896, § 1. The section was derived from Acts 2003, No. 1362, § 3[3].

### **27-16-811. Exception to disclosing residence address — Address confidentiality program.**

(a) As used in this section, “licensee” means a person who is applying for, renewing, or requesting a change to his or her driver’s license issued or to be issued under this chapter and who is:

- (1) The victim of domestic violence; or
- (2) The dependent of a victim of domestic violence.

(b) A licensee shall qualify for the exception for disclosing a residence address under this section if he or she:

(1) Presents a valid order of protection issued under the Domestic Abuse Act of 1991, § 9-15-101 et seq.;

(2) Presents an affidavit in which the licensee states that he or she:

- (A)(i) Is a victim of domestic violence; or
- (ii) Is the dependent of a victim of domestic violence; and
- (B)(i) Fears further acts of domestic violence; or

(ii) Resides with the victim of domestic violence and fears further acts of domestic violence against his or her parent, custodian, or guardian; and

(3) Agrees to the terms of participation in the address confidentiality program.

(c)(1) A licensee who participates in the address confidentiality program under this section shall be issued a driver’s license that discloses a post office box address in lieu of his or her residence address.

(2)(A) The licensee shall provide to the Department of Finance and Administration his or her residence address, which shall be kept on file with the department for as long as the licensee holds a license that displays a post office box in lieu of a residence address.

(B) The licensee shall update his or her residence address and post office box address with the department if a change occurs.

(3)(A) The department shall only disclose the residence address to a person who:

(i) Presents a compelling reason for access to the residence address in an affidavit;

(ii) Presents valid identification to the department; and

(iii) Is not a person against whom the order of protection has been entered or who is related by blood or marriage to the person against whom the order of protection has been entered.

(B) The department shall maintain a record of each and every person to whom the department discloses the residence address.

(C) The department shall provide written notice to the licensee that advises him or her of a disclosure to a third party.

(D)(i) The department shall accept complaints from the licensee if the licensee objects to the disclosure to a third party.

(ii) The department shall refer a complaint to the prosecuting attorney for prosecution for perjury or another offense relating to judicial or other official proceedings under § 5-53-101 et seq. related to a false compelling reason stated in an affidavit under subdivision (c)(3)(A)(i) of this section.

(d) The Director of the Department of Finance and Administration shall promulgate rules and forms to administer the address confidentiality program under this section.

**History.** Acts 2005, No. 1233, § 1.

## SUBCHAPTER 9 — EXPIRATION, CANCELLATION, REVOCATION, OR SUSPENSION

### SECTION.

27-16-901. Expiration and renewal of licenses.

27-16-902. Extension of expiration date of servicemen's licenses.

27-16-903. Authority to cancel licenses.

27-16-904. Death of person signing minor's application.

27-16-905. Mandatory revocation for conviction of certain offenses.

27-16-906. Conviction in another state.

27-16-907. Suspension or revocation of licenses.

27-16-908. Nonresidents also subject to suspension or revocation.

### SECTION.

27-16-909. Examination may be required.

27-16-910. Effect of suspension or revocation.

27-16-911. Surrender and return of license.

27-16-912. Period of suspension or revocation.

27-16-913. Right of appeal to court of record.

27-16-914. Suspension of driver's license of minor.

27-16-915. Suspension for conviction of controlled substances offense.



**Effective Dates.** Acts 1969, No. 298, § 3: Mar. 21, 1969. Emergency clause provided: "It has been determined that servicemen returning to civilian status have been required to make application for a new driver's license because their previous license had expired while on active duty. In order to allow ex-servicemen to take immediate advantage of this act, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from the date of its passage and approval."

Acts 1983, No. 549, § 19: Mar. 21, 1983. Emergency clause provided: "It is hereby found and determined by the Seventy-Fourth General Assembly that the act of driving a motor vehicle while under the influence of intoxicating alcoholic beverages or drugs constitutes a serious and immediate threat to the safety of all citizens of this State, and that the increasing the penalty for this dangerous conduct may serve as a deterrent to such behavior. Further, it is found that increased income derived from the levying of such penalties can best be utilized to provide immediate alcohol and drug safety and rehabilitation and treatment programs both to prevent an increase in the use of intoxicating alcoholic beverages and drugs and to rehabilitate persons convicted of related offenses. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after the date of its passage and approval."

Acts 1987, No. 976, § 6: Apr. 14, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that hearings conducted by the Office of Driver Services should not be subject to the Arkansas Administrative Procedure Act and furthermore that a uniform method should be adopted for appeals from the decisions rendered by the Office of Driver Services concerning the denial, suspension, revocation or posting of security by a licensee or other interested party. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, this Act shall be in effect from the date of its passage and approval."

Acts 1989, No. 193, § 12: July 1, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh Arkansas General Assembly that Arkansas does not currently have any specific standards for testing the eyesight of motor vehicle and motorcycle operators; that after the initial eyesight test of an applicant for a motor vehicle or motorcycle operator's license, Arkansas does not require on renewal of the license any subsequent examination of any driver's eyesight; and therefore all drivers on the public streets and highways are endangered since many drivers with less than adequate visual acuity are able to receive or renew their motor vehicle or motorcycle operator's license. Further, it is found and determined that Arkansas driver's licenses can be renewed for a two year period or for a four year period; that this dual option for renewal of driver's licenses requires an excessive amount of administrative resources and therefore the renewal period for Arkansas driver's licenses should be limited to a single four year period for all drivers. In order to prevent any further endangerment of the driving public and to reduce the administrative cost of issuing driver's licenses, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force from and after July 1, 1989."

Acts 1989 (3rd Ex. Sess.), No. 93, § 6: Nov. 17, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that additional enforcement mechanisms are urgently needed to deter persons under 18 years of age from illegally using or dealing in drugs; that this Act provides an additional enforcement mechanism; and that this Act should go into effect immediately in order to grant law enforcement officers and courts greater flexibility in dealing with the illegal use and sale of drugs. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 1109, § 7: Apr. 9, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly of the State of

Arkansas that federal mandates require the loss of federal highway funds without implementation of a system of suspending the drivers' licenses of persons convicted of drug offenses and that additional enforcement mechanisms are urgently needed to deter persons illegally using or dealing in drugs; that this act will provide that additional enforcement mechanism; and that this act should go into effect immediately in order to meet the requirements of the federal law and to grant law enforcement officers and courts greater flexibility in dealing with the illegal use and sale of drugs. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term 'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 1257, § 11: Apr. 20, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly that federal mandates require the loss of federal highway funds without implementation of a system of suspending the driving privi-

leges of persons holding such privileges granted by this State and found guilty of certain drug offenses, whether such finding occurred in this state or out-of-state, and that additional enforcement provisions are urgently needed to deter persons illegally using or dealing in drugs; that this Act will provide that additional enforcement mechanism; and that this Act should go into effect immediately in order to meet the requirements of the federal law and to grant law enforcement officers and courts greater flexibility in dealing with the illegal use and sale of drugs. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 483, § 5: Feb. 28, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly that the statutory provisions of the driver's licensing laws, as they pertain to the authority of the Arkansas Department of Finance and Administration, Office of Driver Services, to suspend or revoke the original license of a licensee who is found in possession of an invalid license, or who has caused or assisted in obtaining issuance of an invalid license, lack clarity and have resulted in confusion and uncertainty in the trial courts of this state; that such confusion and uncertainty has impeded the proper administration of these licensing laws in a uniform and consistent manner; and that the immediate implementation of this act is necessary to eliminate such uncertainty and confusion and to reconfirm the authority of the Arkansas Department of Finance and Administration to act upon the original license of a licensee who is found in possession of an invalid license, or who causes or assists in the issuance of an invalid license. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 2001, No. 1694, § 9: July 1, 2002.



## RESEARCH REFERENCES

**A.L.R.** Legislation authorizing revocation or suspension of operator's license for "habitual," "persistent," or "frequent" violations of traffic regulations. 48 A.L.R.4th 367.

**27-16-901. Expiration and renewal of licenses.**

(a)(1)(A) Except for the intermediate driver's license and the learner's license, every driver's license shall expire at the end of the month in which it was issued four (4) years from its date of initial issuance unless the Commissioner of Motor Vehicles shall provide, by regulation, for some other staggered basis of expiration.

(B) A learner's license shall be issued for no more than a two-year period and shall expire upon the driver reaching sixteen (16) years of age. Any person sixteen (16) years of age may apply for an intermediate driver's license provided that his or her driving record is free of a serious accident and conviction of a serious traffic violation for the most recent six-month period.

(C) An intermediate driver's license shall be issued for no more than a two-year period and shall expire upon the driver reaching eighteen (18) years of age and may be renewed at that time as a regular driver's license for four (4) years, so long as the intermediate driver has been free of a serious accident and conviction of a serious traffic violation for at least twelve (12) months before arriving at his or her eighteenth birthday.

(2)(A) The commissioner shall have the authority, by regulation, to shorten or lengthen the term of any driver's license period, as necessary, to ensure that approximately twenty-five percent (25%) of the total valid licenses are renewable each fiscal year.

(B)(i) All drivers' licenses subject to change under this subsection shall also be subject to a pro rata adjustment of the license fee charged in § 27-16-801(a).

(ii) The adjustment of the fee shall be carried out in the manner determined by the commissioner by regulation.

(b) Every driver's license shall be renewable on or before its expiration upon completion of an application, payment of the fees designated in § 27-16-801, and passage of the eyesight test required in § 27-16-704 and shall be renewed without other examination, unless the commissioner has reason to believe that the licensee is no longer qualified to receive a license.

**History.** Acts 1937, No. 280, § 22; Pope's Dig., § 6846; A.S.A. 1947, § 75-326; Acts 1989, No. 193, § 6; 1993, No. 445, § 24; 2001, No. 1694, § 8.

**A.C.R.C. Notes.** Acts 2001, No. 1694, § 9, provided: "This act shall be effective July 1, 2002."



**27-16-902. Extension of expiration date of servicemen's licenses.**

(a) Any person who enters a branch of the armed services of the United States, and who is, at the time of entry into the armed services of the United States, duly licensed to drive by the State of Arkansas, may, on a form furnished by the Office of Driver Services, apply for an official extension of the expiration date of his or her driver's license without additional fee.

(b)(1) Any extension of expiration date applied for under the provisions of this section shall be acted upon by the office and shall be granted for a period not to exceed thirty (30) days after the applicant's first tour of duty, or release from active duty, whichever occurs first.

(2) The extension by the applicant may be denied by the office for good cause.

(c) The Director of the Office of Driver Services, upon approval of the Director of the Department of Finance and Administration, shall promulgate all rules and regulations necessary for compliance with this section.

**History.** Acts 1969, No. 298, § 1; A.S.A. 1947, § 75-358.

**27-16-903. Authority to cancel licenses.**

(a)(1)(A) The Office of Driver Services is authorized to cancel any driver's license or identification card upon determining that:

(i) The licensee was not entitled to the issuance of the driver's license or identification card under this chapter;

(ii) The applicant failed to give the required or correct information in his or her application or committed any fraud in making the application; or

(iii) The licensee possessed, used, or created a forged, altered, or fraudulent driver's license.

(B) Upon cancellation of any such license, the office may additionally suspend or revoke any validly issued license of any licensee found in possession of an invalid license or who has caused or assisted in the issuance of an invalid license.

(2) The decision to suspend or revoke the original license of the licensee shall be made in accordance with the provisions of §§ 27-16-907 and 27-16-912.

(b) Upon cancellation, the licensee must surrender the license so cancelled.

(c) The office shall not grant an application for a new license to any driver if the driver's previous license was cancelled, suspended, or revoked as a result of a determination that the applicant committed any fraud in making the application until the expiration of one (1) year after the cancellation, suspension, or revocation.

**History.** Acts 1937, No. 280, § 25; No. 1077, § 1; 2005, No. 879, § 4.  
 Pope's Dig., § 6849; Acts 1959, No. 307, § 16; A.S.A. 1947, § 75-329; Acts 1993, No. 445, § 25; 1995, No. 483, § 1; 1999, **Amendments.** The 2005 amendment added (c).

**27-16-904. Death of person signing minor's application.**

(a) The Office of Driver Services, upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license, shall cancel the license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this act.

(b) This section shall not apply in the event the minor has attained eighteen (18) years of age.

**History.** Acts 1937, No. 280, § 15; 16-306, 27-16-501, 27-16-502, 27-16-504, Pope's Dig., § 6839; A.S.A. 1947, § 75-27-16-506, 27-16-601 — 27-16-605, 27-16-317. 701 — 27-16-705, 27-16-801 — 27-16-806,

**Meaning of "this act".** Acts 1937, No. 280, codified as §§ 27-16-101, 27-16-102, 27-16-201 — 27-16-207, 27-16-301 — 27-16-901, 27-16-903 — 27-16-913, 27-16-1001 [repealed].

**27-16-905. Mandatory revocation for conviction of certain offenses.**

The Office of Driver Services shall forthwith revoke the license of any driver upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Any felony in the commission of which a motor vehicle is used;

(3) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(4) Perjury or the making of a false affidavit or statement under oath to the office under this act or under any other law relating to the ownership or operation of motor vehicles; or

(5) Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months.

**History.** Acts 1937, No. 280, § 29; Pope's Dig., § 6853; Acts 1983, No. 549, § 18; A.S.A. 1947, § 75-333; Acts 1993, No. 445, § 26. **Cross References.** Incorporation of § 27-16-905 in Driver License Compact, § 27-17-106.

**Meaning of "this act".** See note to § 27-16-904. Suspension of license for operation of motorcycle, motor scooter, or motor bicycle after conviction, § 27-20-113.

**RESEARCH REFERENCES**

**U. Ark. Little Rock L.J.** Legislation of the 1983 General Assembly, Criminal Law, 6 U. Ark. Little Rock L.J. 613.

**27-16-906. Conviction in another state.**

The Office of Driver Services is authorized to suspend or revoke the license of any resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of the person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of any driver.

**History.** Acts 1937, No. 280, § 27; Pope's Dig., § 6851; Acts 1959, No. 307, § 15; A.S.A. 1947, § 75-331; Acts 1993, No. 445, § 27. **Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

**27-16-907. Suspension or revocation of licenses.**

(a) The Office of Driver Services is authorized to suspend the license of any driver after a hearing upon a showing by its records or other sufficient evidence that the licensee:

(1) Has been convicted of an offense for which mandatory revocation of the license is required;

(2) Has been involved as a driver in any accident resulting in the death or personal injury of another or in serious property damage;

(3) Is an habitually reckless or negligent driver of a motor vehicle;

(4) Is an habitual violator of the traffic laws;

(5) Is incompetent to drive a motor vehicle;

(6) Has permitted an unlawful or fraudulent use of his or her license;

(7) Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation;

(8) Is receiving any type of welfare, tax, or other benefit or exemption as a blind or nearly blind person if the correctable vision of the person is less than 20/50 in the better eye or if the total visual field of the person is less than one hundred five degrees (105°);

(9) Is any person who is not lawfully within the United States;

(10) Was found by the office or its agent to have used or attempted to use a driver's license or identification card issued under § 27-16-805 that was fraudulent, counterfeit, or altered; or

(11) Was found by the office or its agent to have used or attempted to use the driver's license or identification card of another person by representing it as his or her own license or identification card issued under § 27-16-805.

(b) The office is authorized to secure from all state agencies involved the necessary information to comply with the provisions of this section.

(c)(1) Upon denial, suspension, or revocation of the license of any person as authorized under this section, the office shall notify the licensee in writing.

(2) Any licensee desiring a hearing shall notify the office in writing within twenty (20) days after receipt of the denial, suspension, or revocation.



(3) A hearing officer appointed by the Director of the Department of Finance and Administration shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration designated by the director for such hearings. The hearing shall be in the office in the county of residence of the licensee unless the director and licensee agree to another location for the hearing or agree that the hearing shall be held by telephone conference call.

(4) Based upon the evidence presented at the hearing, the hearing officer shall modify, rescind, or affirm the denial, suspension, or revocation of the license.

(d) Hearings conducted by the office under this section shall not be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

**History.** Acts 1937, No. 280, § 30; Pope's Dig., § 6854; Acts 1967, No. 340, § 1; A.S.A. 1947, § 75-334; Acts 1987, No. 976, § 1; 1989, No. 193, § 7; 1993, No. 445, § 28; 1997, No. 1099, § 2; 2001, No. 744, § 1; 2001, No. 1057, § 1.

**Cross References.** Revocation of operator's license for any motor-driven cycle, § 27-20-113.

#### CASE NOTES

##### **Evidence.**

Evidence was sufficient for a conviction of driving with a suspended license pursuant to § 5-65-105 where defendant admitted to the police officer that had stopped him that he knew his license was sus-

pending and the state produced a certified driving record at trial indicating that defendant's license was suspended for a DWI that had occurred in December 2002. *Gorman v. State*, 366 Ark. 82, — S.W.3d — (2006).

#### **27-16-908. Nonresidents also subject to suspension or revocation.**

The privilege of driving a motor vehicle on the highways of this state given to a nonresident under this act shall be subject to suspension or revocation by the office in like manner and for like cause as a driver's license issued under this act may be suspended or revoked.

**History.** Acts 1937, No. 280, § 26; Pope's Dig., § 6850; A.S.A. 1947, § 75-330; Acts 1993, No. 445, § 29.

**Meaning of "this act".** See note to § 27-16-904.

#### **27-16-909. Examination may be required.**

(a) The Office of Driver Services, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may, upon written notice of at least five (5) days to the licensee, require him or her to submit to an examination.

(b) Upon the conclusion of the examination, the office shall take action as may be appropriate and may suspend or revoke the license of the person or may permit him or her to retain his or her license or may issue a license subject to restrictions as permitted under § 27-16-804.

(c) Refusal or neglect of the licensee to submit to such examination shall be grounds for suspension or revocation of his or her license.

**History.** Acts 1937, No. 280, § 25; Pope's Dig., § 6849; Acts 1959, No. 307, § 16; A.S.A. 1947, § 75-329; Acts 1993, No. 445, § 30.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

### **27-16-910. Effect of suspension or revocation.**

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this subchapter shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during the suspension or after the revocation until a new license is obtained when and as permitted under this act.

**History.** Acts 1937, No. 280, § 33; Pope's Dig., § 6857; A.S.A. 1947, § 75-337; Acts 1993, No. 445, § 31.

**Meaning of "this act".** See note to § 27-16-904.

### **27-16-911. Surrender and return of license.**

(a) The Office of Driver Services, upon suspending or revoking a license, shall require that the license shall be surrendered to and be retained by the office.

(b) At the end of the period of suspension, the license shall be returned to the licensee.

**History.** Acts 1937, No. 280, § 32; Pope's Dig., § 6856; A.S.A. 1947, § 75-336; Acts 1993, No. 445, § 32.

### **27-16-912. Period of suspension or revocation.**

The Office of Driver Services shall not suspend a license for a period of more than one (1) year and upon revoking a license shall not in any event grant application for a new license until the expiration of one (1) year after the revocation.

**History.** Acts 1937, No. 280, § 31; Pope's Dig., § 6855; A.S.A. 1947, § 75-335.

## **CASE NOTES**

### **Suspension.**

A suspension that continues for nine or ten years is not temporary under anyone's definition and certainly exceeds the one-year limitation set out in this section. *Sievers v. City of Fort Smith*, 320 Ark. 136, 894 S.W.2d 940 (1995).

Suspensions in one state have the effect of precluding a driver from obtaining a license in other states; that is what happens in Arkansas, and recognition of foreign state suspensions is appropriate so long as those suspensions are effective for a fixed period of time. *Sievers v. City of*

Fort Smith, 320 Ark. 136, 894 S.W.2d 940 (1995).

### **27-16-913. Right of appeal to court of record.**

(a) Any person denied a license or whose license has been suspended or revoked by the Office of Driver Services, within thirty (30) days of receipt of the decision by the office to deny, suspend, or revoke the license, may file a de novo petition of review in the Pulaski County Circuit Court or the circuit court in the county where the licensee or interested person resides.

(b) The filing of a petition of review shall not operate as an automatic stay of the decision of the hearing officer.

(c) A determination shall be made by the circuit judge on the issue of whether a stay should be granted.

(d) The circuit judge is vested with jurisdiction to determine whether the petitioner is entitled to a license or whether the decision of the hearing officer should be affirmed, modified, or reversed.

**History.** Acts 1937, No. 280, § 34; Pope's Dig., § 6858; A.S.A. 1947, § 75-338; Acts 1987, No. 976, § 2.

### **27-16-914. Suspension of driver's license of minor.**

Upon receipt of an order of denial of driving privileges under § 5-65-116 or § 5-64-710, the Department of Finance and Administration shall:

(1) Suspend the motor vehicle operator's license of the minor for twelve (12) months, or until the minor reaches eighteen (18) years of age, whichever is longer;

(2) In the event the minor's driver's license is under suspension by the department for another offense or other violations, the minor's driver's license shall be suspended an additional twelve (12) months, or until the minor reaches eighteen (18) years of age, whichever is longer; or

(3) If the minor has not been issued a driver's license, the issuance of a license shall be delayed for an additional twelve (12) months after the minor applies for a license, or until the minor reaches eighteen (18) years of age, whichever is longer.

**History.** Acts 1989 (3rd Ex. Sess.), No. 93, § 2; 1993, No. 1257, § 3.

**A.C.R.C. Notes.** Acts 1993, No. 1257, § 7, provided: "The Director of the Department of Finance and Administration is authorized to enter into any agreements or arrangements with other states and to take all action deemed necessary or proper, including the making and promulgation of rules and regulations, in order

that the amendments contained in this Act may be effectuated."

Pursuant to § 1-2-207, this section is set out above as amended by Acts 1993, No. 1257, § 3. This section was also amended by Acts 1993, No. 445, § 33 to read: "Upon receipt of an order of denial of driving privileges under § 5-65-116 or § 5-64-710, the Department of Finance and Administration shall suspend the mo-



tor vehicle operator's license of the minor reaches eighteen (18) years of age, which for twelve (12) months or until the minor ever is longer."

### RESEARCH REFERENCES

U. Ark. Little Rock L.J. Survey,  
Criminal Law, 12 U. Ark. Little Rock L.J.  
617.

### CASE NOTES

#### Constitutionality.

The classification drawn at age eighteen in Acts 1989, No. 93 was reasonable and does not approach the level of irrationality

or arbitrariness necessary to deem it unconstitutional. *Carney v. State*, 305 Ark. 431, 808 S.W.2d 755 (1991).

#### **27-16-915. Suspension for conviction of controlled substances offense.**

(a) As used in this section, the term "drug offense" shall have the same meaning ascribed to that term as provided in § 5-64-710.

(b)(1)(A) Whenever a person pleads guilty, nolo contendere, or is found guilty of any criminal offense involving the illegal possession or use of controlled substances under § 5-64-101 et seq., or of any drug offense, in this state or any other state, the court having jurisdiction of such matter, including any federal court, shall prepare and transmit to the Department of Finance and Administration an order to suspend the driving privileges of the person for six (6) months, provided any such order regarding a person who is a holder of a commercial driver's license issued under § 27-23-101 et seq. or under the laws of any other state shall include the suspension of the driving privileges of that person to drive any commercial motor vehicle, as the term "commercial motor vehicle" is defined in § 27-23-103, or as similarly defined by the laws of any other state, for a period of one (1) year.

(B) Courts within the State of Arkansas shall prepare and transmit all such orders within twenty-four (24) hours after the plea or finding to the department.

(C) Courts outside Arkansas having jurisdiction over any such person holding driving privileges issued by the State of Arkansas shall prepare and transmit such orders pursuant to agreements or arrangements entered into between that state and the Director of the Department of Finance and Administration

(D) Such arrangements or agreements may also provide for the forwarding by the department of orders issued by courts within this state to the state wherein any such person holds driving privileges issued by that state.

(2) For any such person holding driving privileges issued by the State of Arkansas, courts within the State of Arkansas in cases of extreme and unusual hardship may provide in an order for the issuance of a restricted driving permit to allow driving to and from a place of

employment or to and from any scheduled sessions or meetings of support organizations, counseling, education, or treatment for persons who have addiction or abuse problems related to any substance or controlled substances.

(c) Upon receipt of an order of denial of driving privileges under this section, the department shall:

(1) Suspend the driver's license of the person for six (6) months;

(2) In the event the person's driver's license is under suspension by the department for another offense or other violations, the person's driver's license shall be suspended an additional six (6) months; or

(3) If the person has not been issued a driver's license, the issuance of a license by the department shall be delayed for an additional six (6) months after the person applies for a license.

(d) Upon receipt of an order of denial of driving privileges under this section, which order concerns a person who is a holder of a commercial driver's license issued under § 27-23-101 et seq., the department, in addition to any actions taken pursuant to subsection (c) of this section, shall:

(1) Suspend the commercial driver's license of the person for one (1) year;

(2) In the event the person's commercial driver's license is under suspension by the department for another offense or other violations, the person's commercial driver's license shall, in addition to any penalties provided by the laws of this state, be suspended an additional one (1) year; or

(3) If the person has not been issued a commercial driver's license, the issuance of such a license by the department shall be delayed for an additional one-year period after the person applies for a license.

(e) Nothing contained in subsection (d) of this section shall require the issuance or reissuance of any commercial driver's license to any person following any suspension who is otherwise ineligible pursuant to other laws of this state to obtain such issuance or reissuance.

(f) Penalties prescribed in this section shall be in addition to all other penalties prescribed by law for the offenses covered by this section.

**History.** Acts 1991, No. 1109, §§ 1-3; 1993, No. 1257, § 4.

**A.C.R.C. Notes.** Acts 1993, No. 1257, § 7, provided: "The Director of the Department of Finance and Administration is authorized to enter into any agreements

or arrangements with other states and to take all action deemed necessary or proper, including the making and promulgation of rules and regulations, in order that the amendments contained in this Act may be effectuated."

## RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Survey — Criminal Law, 14 U. Ark. Little Rock L.J. 753.

CASE NOTES

Construction.

Section 5-65-116, the part of the criminal code passed in 1989 that provides for the suspension of driver's licenses of juveniles under 18 who commit offenses involving intoxicants, was not repealed by implication by this section, which was passed in 1991 and provides that any

person, regardless of age, who illegally uses or possesses controlled drugs, as they are defined by the Controlled Substances Act (§ 5-64-101 et seq.), shall lose his driver's license. *Manatt v. State*, 311 Ark. 17, 842 S.W.2d 845 (1992), cert. denied, 507 U.S. 1005, 113 S. Ct. 1647, 123 L. Ed. 2d 268 (1993).

SUBCHAPTER 10 — SPECIAL PROVISIONS REGARDING CHAUFFEURS  
[REPEALED]

SECTION.

27-16-1001 — 27-16-1004. [Repealed.]

27-16-1001 — 27-16-1004. [Repealed.]

**Publisher's Notes.** This subchapter was repealed by Acts 1993, No. 445, § 36, effective January 1, 1994. The subchapter was derived from the following sources:

§ 27-16-1001. Acts 1937, No. 280, § 40; Pope's Dig., § 6864; A.S.A. 1947, § 75-344.

§ 27-16-1002. Acts 1947, No. 370, §§ 1, 4; A.S.A. 1947, §§ 75-312, 75-313.

§ 27-16-1003. Acts 1947, No. 370, § 1; A.S.A. 1947, § 75-312.

§ 27-16-1004. Acts 1947, No. 370, § 2; A.S.A. 1947, § 75-322.

SUBCHAPTER 11 — DRIVER'S LICENSE SECURITY AND MODERNIZATION ACT

SECTION.

27-16-1101. Title.

27-16-1102. Definitions.

27-16-1103. Time limit for requirements to be met.

27-16-1104. Minimum document requirements.

27-16-1105. Minimum issuance standards for driver's licenses.

SECTION.

27-16-1106. Additional requirements.

27-16-1107. Linking of databases.

27-16-1108. Rules.

27-16-1109. Applicability to Medicaid identification cards.

27-16-1101. Title.

This subchapter shall be known and may be cited as the "Driver's License Security and Modernization Act".

**History.** Acts 2005, No. 2210, § 1.

27-16-1102. Definitions.

As used in this subchapter:

(1) "Driver's license" means a motor vehicle operator's license, as defined in 49 U.S.C. § 30301, as in effect on February 1, 2005;

(2) "Identification card" means a personal identification card, as



defined in 18 U.S.C. § 1028(d), as in effect on February 1, 2005, as issued by the State of Arkansas; and

(3) "State" means the State of Arkansas.

**History.** Acts 2005, No. 2210, § 1.

### **27-16-1103. Time limit for requirements to be met.**

(a) The Office of Driver Services shall implement the changes required by this subchapter for all new driver's licenses issued or renewed on or after January 31, 2006.

(b)(1) Except as provided under subdivision (b)(2) and subsection (d) of this section, beginning four (4) years after August 12, 2005, a state agency may not accept for any purpose a driver's license or identification card that was not issued under the requirements of this subchapter.

(2) The limitation under subdivision (b)(1) of this section and other limitations under this subchapter shall not apply to members of the armed services of the United States or their dependents under § 27-16-807, § 27-16-902, or other law.

(c) On or before January 31, 2006, the office shall obtain certification that it is in compliance with any and all federal laws regarding driver's license security and modernization.

(d) The Department of Human Services may accept a driver's license or identification card that was not issued under the requirements of this subchapter for the sole purpose of establishing the identity of an individual applying for or receiving food stamps when no other documentary evidence is readily available for that purpose.

**History.** Acts 2005, No. 2210, § 1.

### **27-16-1104. Minimum document requirements.**

To meet the requirements of this subchapter, the Office of Driver Services shall include at a minimum the following information and features on each driver's license and identification card that it issues to a person:

- (1) The person's full legal name;
- (2) The person's date of birth;
- (3) The person's gender;
- (4) The person's driver's license or identification card number;
- (5) A digital photograph of the person;
- (6) The person's address of residence;
- (7) The person's signature;
- (8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes; and
- (9) A common machine-readable technology with defined minimum data elements.

**History.** Acts 2005, No. 2210, § 1.

**27-16-1105. Minimum issuance standards for driver's licenses.**

(a)(1) Except as provided under subdivisions (a)(2) and (b)(1) of this section regarding the renewal, duplication, or reissuance of a driver's license or identification card, to meet the requirements of this section the Office of Driver Services shall require at a minimum presentation of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a nonphoto identity document is acceptable if it includes both the person's full legal name and date of birth;

(B) Documentation showing the person's date of birth;

(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number; and

(D) Evidence of legal status that includes valid documentary evidence that the person:

(i) Is a citizen of the United States;

(ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) Has conditional permanent resident status in the United States;

(iv) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(v) Has a pending or approved application for asylum in the United States;

(vi) Has entered into the United States in refugee status;

(vii) Has a pending or approved application for temporary protected status in the United States;

(viii) Has approved deferred action status; or

(ix) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(2)(A) If ten (10) or more driver's licenses are issued with the same address of residence, the applicant shall present documentation that establishes the person's address of residence.

(B) The documentation requirements under subdivision (a)(2)(A) of this section shall include, but not be limited to:

(i) A lease;

(ii) A mortgage statement; or

(iii) A utility bill.

(b)(1) For purposes of subsection (a) of this section and except as provided in subdivision (b)(2) of this section, the office shall presume that any driver's license or identification card for which an application has been made for renewal, duplication, or reissuance has been issued in accordance with the provisions of subsection (a) of this section if at the time the application was made the driver's license or identification card had not been cancelled, suspended, or revoked.

(2) Subdivision (b)(1) of this section shall not apply to a renewal, duplication, or reissuance of a driver's license or identification card if the office is notified by a local, state, or federal government agency that the person seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

(c) To meet the requirements of this section, the office shall implement the following procedures:

(1) The office shall not accept any foreign document other than an official passport to satisfy a requirement of subsection (a) or (b) of this section; and

(2) No later than January 31, 2006, the Director of the Department of Finance and Administration shall enter into a memorandum of understanding with the United States Secretary of Homeland Security to routinely utilize the automated system known as the Verification Information System database of the Systematic Alien Verification for Entitlements Program, as provided by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, to verify the legal presence status of a person other than a United States citizen applying for a driver's license or identification card.

**History.** Acts 2005, No. 2210, § 1. of 1996, referred to in (c)(2), is codified as  
**U.S. Code.** The Illegal Immigration Reform and Immigrant Responsibility Act 8 U.S.C. § 1101 nt.

## RESEARCH REFERENCES

**A.L.R.** Validity of state statutes, regulations, or other identification requirements restricting or denying driver's licenses to illegal aliens. 16 A.L.R.6th 131.

### 27-16-1106. Additional requirements.

To meet the requirements of this section regarding the issuance of driver's licenses and identification cards, the Director of the Department of Finance and Administration shall:

(1) Retain for a minimum of five (5) years paper copies or images of source documents presented;

(2) Subject each person applying for a driver's license or identification card to mandatory digital facial image capture;

(3)(A) Confirm with the United States Social Security Administration a social security account number presented by a person using the full social security account number.

(B) In the event that a social security account number is already registered to or associated with another person to whom the Office of Driver Services has issued a driver's license or identification card, the office shall resolve the discrepancy and take appropriate action;

(4) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another state without retaining the license issued by another state;

(5) Ensure the physical security of locations where driver's licenses and identification cards are produced and the security of document



materials and papers from which driver's licenses and identification cards are produced;

(6) Subject all persons authorized to manufacture or produce driver's licenses and identification cards to appropriate security clearance requirements to include, but not be limited to, criminal background checks; and

(7) Establish fraudulent document recognition training programs for the employees of the office who are engaged in the issuance of driver's licenses and identification cards.

**History.** Acts 2005, No. 2210, § 1.

### **27-16-1107. Linking of databases.**

(a) The Director of the Department of Finance and Administration shall ensure that the State of Arkansas is eligible to receive any grant or other type of financial assistance made available under federal law regarding driver's license security and modernization.

(b) The director shall implement and oversee a motor vehicle database that contains at a minimum the following information:

(1) All data fields printed on driver's licenses and identification cards issued by the Office of Driver Services; and

(2) Motor vehicle driver's histories, including motor vehicle violations, suspensions, and points on licenses.

**History.** Acts 2005, No. 2210, § 1.

### **27-16-1108. Rules.**

The Director of the Department of Finance and Administration shall promulgate rules to implement and administer this subchapter.

**History.** Acts 2005, No. 2210, § 1.

### **27-16-1109. Applicability to Medicaid identification cards.**

No provision of this subchapter shall apply to the issuance or production of Medicaid identification cards by either the Department of Human Services or the Office of Driver Services.

**History.** Acts 2005, No. 2210, § 1.

## **CHAPTER 17**

### **DRIVER LICENSE COMPACT**

#### **SECTION.**

27-17-101. Adoption.

27-17-102. Licensing authority.

27-17-103. Executive head.

27-17-104. Compensation of administrator.

#### **SECTION.**

27-17-105. Report of actions concerning drivers' licenses.

27-17-106. Incorporation of similar statutes.

**Effective Dates.** Acts 1969, No. 142,  
§ 8: July 1, 1969.

## 27-17-101. Adoption.

The Driver License Compact is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

### DRIVER LICENSE COMPACT

#### ARTICLE I

##### Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with the state and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

#### ARTICLE II

##### Definitions

As used in this compact:

(a) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law,

municipal ordinance, or administrative rule or regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

### ARTICLE III

#### Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond, or other security; and shall include any special findings made in connection therewith.

### ARTICLE IV

#### Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct has occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this article.



## ARTICLE V

## Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of, a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one (1) year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

## ARTICLE VI

## Applicability of Other Laws

Except as expressly required by the provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

## ARTICLE VII

## Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

## ARTICLE VIII

## Entry Into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six (6) months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

## ARTICLE IX

## Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

**History.** Acts 1969, No. 142, § 1; A.S.A. 1947, § 75-2201; Acts 1995, No. 1296, § 93.

**A.C.R.C. Notes.** In the second sentence of Article IX, Construction and Severability, the language “is held invalid, the validity of the remainder of this compact and

the applicability thereof to any government, agency, person, or circumstance” following “circumstance” near the end of the sentence was omitted by Acts 1969, No. 42, § 1, in enacting the Driver License Compact.

**27-17-102. Licensing authority.**

(a) As used in the compact, the term “licensing authority,” with reference to this state, shall mean the Office of Driver Services of the Department of Finance and Administration.

(b) The office shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

**History.** Acts 1969, No. 142, § 2; A.S.A. 1947, § 75-2202.

**27-17-103. Executive head.**

As used in the compact, with reference to this state, the term “executive head” shall mean the Governor.

**History.** Acts 1969, No. 142, § 4; A.S.A. 1947, § 75-2204.

**27-17-104. Compensation of administrator.**

The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator but shall be entitled to expenses incurred in connection with his duties and responsibilities as the administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

**History.** Acts 1969, No. 142, § 3; A.S.A. 1947, § 75-2203.

**27-17-105. Report of actions concerning drivers’ licenses.**

Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Office of Driver Services of the Department of Finance and Administration within ten (10) days on forms furnished by the office.

**History.** Acts 1969, No. 142, § 5; A.S.A. 1947, § 75-2205.

**27-17-106. Incorporation of similar statutes.**

Subdivisions (1), (2), (3), and (5) of § 27-16-905 are substantially similar to the offenses described under Article IV, paragraphs 1, 2, 3, and 4, of this compact. In addition, subdivision (4) of § 27-16-905, regarding perjury or the making of a false affidavit or statement under oath to the Office of Driver Services, is also incorporated in and made a part of this compact.

**History.** Acts 1969, No. 142, § 6; A.S.A. 1947, § 75-2206.

**CHAPTER 18****DRIVER EDUCATION PROGRAM****SECTION.**

27-18-101. Establishment.

27-18-102. Interagency cooperation.

27-18-103. Inclusion of conservation and maintenance materials.

**SECTION.**

27-18-104. Funding.

27-18-105. Limitation on contracts and other obligations.

27-18-106. Fees.



SECTION.

- 27-18-107. Instruction as to removal of vehicle from roadway.  
 27-18-108. Instruction manual.  
 27-18-109. Driver's instruction manual.

SECTION.

- 27-18-110. Instruction on accessible parking for persons with disabilities.

**A.C.R.C. Notes.** References to "this chapter" in §§ 27-18-101 — 27-18-106 may not apply to §§ 27-18-107 — 27-18-109 which were enacted subsequently.

**Cross References.** Motorcycle, etc., operator instruction, § 27-20-109.

**Preambles.** Acts 1965, No. 531 contained a preamble which read: "Whereas, currently available statistics reflect that thirty-six per cent (36%) of all American youths who die between the ages of 15 and 24 are killed in automobile accidents; and

"Whereas, virtually all of the leading insurance companies provide insurance premium discounts of 10 to 17½% for teenage boys and girls who have successfully completed a high-school driving course meeting national standards; and

"Whereas, in the last year for which statistics are available, there were 640 lives lost on Arkansas highways, more than 21,000 people were seriously injured, and property damage exceeded \$11,000,000.00; and these deaths, injuries and property damage resulted in an economic loss to the State of Arkansas of more than \$105,000,000.00;

"Now, therefore ... "

Acts 1979, No. 755 contained a preamble which read: "Whereas, the present driver training and testing program ad-

ministered by the Police Division of the Department of Public Safety is directed almost entirely toward training and testing in matters of safe driving; and

"Whereas, many of the licensed motor vehicle operators in the State have very limited knowledge regarding the conservation of fuel and the care and maintenance of automobiles; and

"Whereas, knowledge of fuel conservation and automobile maintenance and care would not only be beneficial to the individual automobile owner and driver but would also serve the best interests of the public;

"Now, therefore ... "

**Effective Dates.** Acts 1987, No. 598, § 4: emergency clause failed to pass. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the practice of leaving a vehicle on a roadway after an accident can create a serious obstruction of traffic and can endanger the safety of persons traveling on our streets, roads and highways. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect upon passage and approval."

## 27-18-101. Establishment.

(a)(1) The Arkansas State Police Commission is authorized to establish a program of driver education for training, retraining, and testing of motor vehicle drivers and applicants for motor vehicle drivers' licenses.

(2) In connection therewith, the commission shall promulgate reasonable rules and regulations, not inconsistent with law, for furthering the driver education program as authorized by this chapter.

(b) The driver education program, as established by the commission, shall be made available primarily to the various high schools of the state for the purposes set out by this chapter and secondarily for adults and nonschool participants for the same purposes.

**History.** Acts 1965, No. 531, § 1; A.S.A. 1947, § 75-1901.

### **27-18-102. Interagency cooperation.**

All agencies, boards, commissions, and schools supported from public or private funds are directed to cooperate and lend whatever assistance as may be required for establishing a driver education program under the auspices of the Arkansas State Police Commission.

**History.** Acts 1965, No. 531, § 4; A.S.A. 1947, § 75-1904.

### **27-18-103. Inclusion of conservation and maintenance materials.**

(a) The Department of Arkansas State Police or any other agency of the state charged with the responsibility of administering a driver training and testing program shall include in any printed driver education materials prepared and distributed by the agency a section on fuel conservation and automobile care and maintenance.

(b) The conservation section of the driver training and education manual shall include guidelines for obtaining the greatest fuel economy from motor vehicles, the proper care and maintenance of the body, engine, transmission, tires, brakes, and other mechanical equipment, and such other information as the agency deems appropriate to better prepare a prospective vehicle driver or owner to operate the vehicle efficiently as well as safely.

**History.** Acts 1979, No. 755, § 1; A.S.A. 1947, § 75-1907.

### **27-18-104. Funding.**

The costs of operating and maintaining the driver education course as authorized in this chapter shall be payable from the current appropriations and funds available to the Arkansas State Police Commission for its operation and maintenance, including such special revenues as collected and deposited under the provisions of this chapter.

**History.** Acts 1965, No. 531, § 3; A.S.A. 1947, § 75-1903.

### **27-18-105. Limitation on contracts and other obligations.**

(a) No contracts may be awarded or obligations otherwise incurred in relation to the program described in this chapter in excess of the State Treasury funds actually available as provided by law.

(b) The Arkansas State Police Commission shall have the power to accept and use grants and donations, and to use its unobligated cash income or other funds available to it, for the purpose of supplementing the State Treasury funds for financing the entire cost of the program.

**History.** Acts 1965, No. 531, § 6; A.S.A. 1947, § 75-1905.

### **27-18-106. Fees.**

(a)(1) For any of the purposes set out in § 27-18-101, the Arkansas State Police Commission is authorized to charge a fee of five dollars (\$5.00) for any student of:

(A) An accredited high school;

(B) A state or privately supported college, university, or junior college; and

(C) Any vocational-technical training school engaging in the driver education course.

(2) The commission is further authorized to charge a fee of ten dollars (\$10.00) for any other person engaging in the driver education course for the purposes set out in § 27-18-101.

(3) Upon determination that a student or qualified prospective student of the driver education course is unable to pay the fee authorized by this section, the commission shall waive the fee, as it is the purpose and intent of this chapter to provide driver education for the citizens of Arkansas.

(b) Such fees as are collected shall be remitted monthly by the commission to the State Treasury, there to be deposited as special revenues to the credit of the Department of Arkansas State Police Fund, to be used for the operation and maintenance of the commission.

**History.** Acts 1965, No. 531, § 2; A.S.A. 1947, § 75-1902.

### **27-18-107. Instruction as to removal of vehicle from roadway.**

The Department of Education and the Department of Arkansas State Police shall include instruction within the Department of Education Driver Education and Training Program and the Driver's Manual of the Department of Arkansas State Police concerning the times when a driver involved in an accident must remove his or her vehicle from the roadway. The Department of Arkansas State Police shall include the subject on the examination for a driver's license.

**History.** Acts 1987, No. 598, § 2.

enacted subsequently.

**A.C.R.C. Notes.** References to "this chapter" in §§ 27-18-101 — 27-18-106 may not apply to this section which was

**Publisher's Notes.** Acts 1987, No. 598, § 2, is also codified as § 6-16-507.

### **27-18-108. Instruction manual.**

The driver's instruction manual of the Department of Arkansas State Police issued to persons who are preparing to take a driver's license examination shall include information on driver and highway safety matters, including:



(1) The effects of the consumption of beverage alcohol products and the use of illegal drugs, prescription drugs, and nonprescription drugs on the ability of a person to operate a motor vehicle;

(2) The hazards of driving while under the influence;

(3) The penalties for driving while under the influence;

(4) The effect and hazards of discarding litter upon or along the public highways of Arkansas and the penalties for violations of the Litter Control Act, § 8-6-401 et seq.; and

(5) The effects and hazards of unsafe driving through highway work zones and the penalties for violations for driving unsafely through highway work zones.

**History.** Acts 1995, No. 711, § 1; 1995, chapter” in §§ 27-18-101 — 27-18-106 No. 1105, § 1; 2001, No. 853, § 1. may not apply to this section which was

**A.C.R.C. Notes.** References to “this enacted subsequently.

### **27-18-109. Driver’s instruction manual.**

(a) The driver’s instruction manual issued by the Department of Arkansas State Police shall include information related to organ and tissue donation education.

(b) The Department of Arkansas State Police may coordinate with the Department of Health and the Arkansas Regional Organ Recovery Agency in developing information to include in the manual.

(c) Information regarding organ donation education shall be included in the manual in the first reprinting and subsequent reprintings of the manual following passage of this section, § 6-16-501, and § 21-4-215.

**History.** Acts 2003, No. 546, § 2.

**A.C.R.C. Notes.** References to “this chapter” in §§ 27-18-101 — 27-18-106 may not apply to this section, which was enacted subsequently.

**Publisher’s Notes.** In reference to the term “passage of this section,” in subsection (c), Acts 2003, No. 546, § 2 was

signed by the Governor on March 20, 2003, and became effective on July 16, 2003.

**Cross References.** Leave for bone marrow or organ donation, § 21-4-215.

Organ donor awareness education, § 6-16-501.

### **27-18-110. Instruction on accessible parking for persons with disabilities.**

(a) The driver’s instruction manual issued by the Department of Arkansas State Police shall include information related to accessible parking for a person with a disability, including without limitation:

(1) The importance of accessible parking for a person with a disability; and

(2) The penalties for the unauthorized use of parking designated for the exclusive use of a person with a disability.

(b) The department may coordinate with the Arkansas Governor’s Commission on People with Disabilities in developing information to include in the manual.

**History.** Acts 2007, No. 753, § 6.

## CHAPTER 19

### MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

#### SUBCHAPTER.

1. GENERAL PROVISIONS.
2. DEFINITIONS.
3. PENALTIES AND ADMINISTRATIVE SANCTIONS.
4. ADMINISTRATION.
5. ACCIDENT REPORTS.
6. SECURITY FOLLOWING ACCIDENT.
7. PROOF OF FUTURE FINANCIAL RESPONSIBILITY.

#### RESEARCH REFERENCES

**Am. Jur.** 7A Am. Jur. 2d, Auto., § 190 et seq.

**Ark. L. Rev.** Motor Vehicle Safety Responsibility, 5 Ark. L. Rev. 395.

Motor Vehicle Safety Responsibility Act, 7 Ark. L. Rev. 351.

Legislative Note: Uninsured Motorist Clause, 19 Ark. L. Rev. 377.

Procedure — Discovery — Amount of Adversary's Insurance, 20 Ark. L. Rev. 376.

Note, Shelter Mutual Insurance Co. v. Irvin — The Arkansas Supreme Court's Retroactive Application of the Amended Underinsured Motorist Act, 46 Ark. L. Rev. 737.

**C.J.S.** 60 C.J.S., Motor Veh., §§ 316-323.

**U. Ark. Little Rock L.J.** Survey — Insurance, 10 U. Ark. Little Rock L.J. 587.

#### CASE NOTES

##### ANALYSIS

Applicability.

Recovery for Minimum Limit.

Taxicab Liability.

##### Applicability.

Requirements of the financial responsibility law relating to conditions of insurance policies only apply to policies which are issued as proof of financial responsibility under this chapter. *M.F.A. Mut. Ins. Co. v. Mullin*, 156 F. Supp. 445 (W.D. Ark. 1957).

Insurance provisions of Arkansas Financial Responsibility Act apply only to persons who have been convicted of, or forfeited bail for, certain offenses under motor vehicle laws or have failed to pay judgments on causes of actions arising out of ownership, maintenance, or use of registrable vehicles. *Aetna Cas. & Sur. Co. v. Simpson*, 228 Ark. 157, 306 S.W.2d 117 (1957).

##### Recovery for Minimum Limit.

Where a plaintiff collects only a portion of the minimum from a joint tortfeasor or any other responsible persons or organization, he may collect the balance up to the minimum from his uninsured motorist carrier, since an individual is entitled to only one recovery for the minimum limit of the Financial Responsibility Act. *Black v. Farm Bureau Mut. Ins. Co.*, 272 Ark. 406, 614 S.W.2d 937 (1981).

##### Taxicab Liability.

The provisions of this chapter did not repeal § 27-14-1501 relating to taxicab liability coverage requirements. *Yarbrough v. Checker Cab Co.*, 256 Ark. 314, 507 S.W.2d 105 (1974).

**Cited:** *General Am. Cas. Co. v. Austin*, 125 F. Supp. 721 (E.D. Ark. 1954); *Swan v. Estate of Monette ex rel. Monette*, 265 F. Supp. 362 (W.D. Ark. 1967); *Pinkus v. Southern Farm Bureau Cas. Ins. Co.*, 292 F. Supp. 141 (E.D. Ark. 1968); *Alexander v. Pilot Fire & Cas. Ins. Co.*, 331 F. Supp.

561 (E.D. Ark. 1971); Salley v. Central Ark. Transit Auth., 326 Ark. 804, 934 S.W.2d 510 (1996).

# SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 27-19-101. Title.
- 27-19-102. Construction.
- 27-19-103. Civil actions not precluded.
- 27-19-104. Provisions deemed supplemental.

SECTION.

- 27-19-105. Nonapplicable to vehicles insured under other laws.
- 27-19-106. Assigned risk plans.
- 27-19-107. Self-insurers.

**Effective Dates.** Acts 1987, No. 590, § 6: Apr. 4, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that the escalating costs of automobile liability insurance premiums for the political subdivisions and municipalities of the State of Arkansas drains the financial resources of these local governments and that financial problems of local governments threaten the delivery of vital services to the citizens of this State and that by self-insuring their motor vehicles local governments may relieve themselves of this financial burden. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full

force and effect from and after its passage and approval."

Acts 1995, No. 1272, § 29: Apr. 13, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the present insurance laws, and motor vehicle laws on the automobile assigned risk plan, are inadequate for the protection of the public; and the immediate passage of this Insurance Omnibus Act is necessary in order to provide for the protection of the public. Therefore, an emergency is hereby declared to exist and this Insurance Omnibus Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

## 27-19-101. Title.

This chapter may be cited as the "Motor Vehicle Safety Responsibility Act".

**History.** Acts 1953, No. 347, § 94; A.S.A. 1947, § 75-1493.

## RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Survey of Legislation, 2003 Arkansas General Assembly, Transportation, Changes to Motor

Vehicle Safety Responsibility Act, 26 U. Ark. Little Rock L. Rev. 503, 509.



## CASE NOTES

**In General.**

Motor Vehicle Liability Insurance Act, § 27-22-101, et seq., is supplemental to and cumulative to the Motor Vehicle Safety Responsibility Act, § 27-19-101, et seq. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

Trial court did not err when it dismissed a negligence suit brought by injured motorist against the owner of an uninsured motorcycle that was being driven by someone else at the time of the accident because the motorist had failed to state a

claim under the Motor Vehicle Safety Responsibility Act, § 27-19-101, et seq., or the Motor Vehicle Liability Insurance Act, § 27-22-101, et seq. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**Cited:** *Cousins v. Dennis*, 298 Ark. 310, 767 S.W.2d 296 (1989); *Hawkins v. State Farm Fire & Cas. Co.*, 302 Ark. 582, 792 S.W.2d 307 (1990); *City of Caddo Valley v. George*, 340 Ark. 203, 9 S.W.3d 481 (2000); *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**27-19-102. Construction.**

(a) This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

(b) Subchapter and section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any subchapter or section of this chapter.

**History.** Acts 1953, No. 347, §§ 85, 92; A.S.A. 1947, §§ 75-1485, 75-1492.

**27-19-103. Civil actions not precluded.**

Nothing in this chapter shall be construed as preventing the plaintiff in any civil action from relying for relief upon the other processes provided by law.

**History.** Acts 1953, No. 347, § 91; A.S.A. 1947, § 75-1491.

**27-19-104. Provisions deemed supplemental.**

This chapter shall in no respect be considered as a repeal of the state motor vehicle laws but shall be construed as supplemental thereto.

**History.** Acts 1953, No. 347, § 89; A.S.A. 1947, § 75-1489.

## CASE NOTES

**Taxicab Liability.**

This section did not repeal § 27-14-1501 relating to taxicab liability coverage

requirements. *Yarbrough v. Checker Cab Co.*, 256 Ark. 314, 507 S.W.2d 105 (1974).

**27-19-105. Nonapplicable to vehicles insured under other laws.**

Except for §§ 27-19-501, 27-19-503, and 27-19-718, this chapter shall not apply with respect to any vehicle which is subject to the requirements of laws of this state requiring insurance or other security on motor vehicles.

**History.** Acts 1953, No. 347, § 87;  
A.S.A. 1947, § 75-1487.

**CASE NOTES****Taxicab Liability.**

This section did not repeal § 27-14-1501 relating to taxicab liability coverage

requirements. *Yarbrough v. Checker Cab Co.*, 256 Ark. 314, 507 S.W.2d 105 (1974).

**27-19-106. Assigned risk plans.**

(a)(1) After consultation with the insurance companies authorized to issue automobile liability policies or automobile physical damage policies in this state, the Insurance Commissioner shall approve a reasonable plan, fair to the insurers and equitable to their policyholders, for the apportionment among such companies of applicants for policies of automobile liability or automobile physical damage, who are in good faith entitled to but are unable to procure such policy or policies through ordinary methods.

(2) The commissioner may also include within such plan and require the insurance companies to provide those applicants referred to in this section with policies affording additional coverage for medical benefits up to five hundred dollars (\$500) per occupant and uninsured motorist coverage in amounts as the commissioner may by plan prescribe, so as to afford a comprehensive minimum package of insurance coverage.

(3) When any such plan has been approved, all the insurance companies shall subscribe thereto and participate therein.

(b)(1)(A) Any applicant for such policy, any person insured under any such plan, and any insurance company affected, may appeal to the commissioner from any ruling or decision of the manager or committee designated to operate the plan.

(B) At the conclusion, the plan shall prepare a memorandum of decision and a written transcript of its proceedings and deliberations as to the applicant, insured or insurer.

(C) Upon any subsequent appeal to the commissioner, he or she shall be furnished the written transcript of the proceedings before the plan and the written memorandum of decision.

(D) The commissioner shall, within thirty (30) days after submission of the transcript and memorandum of decision, render his or her decision on the appeal, which decision shall be based on the transcript and memorandum of decision submitted.

(E) The commissioner shall promptly notify the plan and the appellant applicant, insured or insurer, in writing of his or her decision on appeal.

(2)(A) Any order or act of the commissioner under the provisions of this section shall be subject to review by appeal to the Pulaski County Circuit Court at the instance of any party in interest.

(B) The court shall determine whether the filing of the appeal shall operate as a stay of any order or act of the commissioner, and the court shall summarily hear the matter.

(C) The court may, in disposing of the issue before it, modify, affirm, or reverse the order or act of the commissioner in whole or in part.

(c) In the courts of this state, the plan may sue and be sued in its own name.

**History.** Acts 1953, No. 347, § 86; A.S.A. 1947, § 75-1486; Acts 1995, No. 1969, No. 401, § 1; 1971, No. 219, § 1; 1272, §§ 22, 23.

### CASE NOTES

**Cited:** Manufacturers Cas. Ins. Co. v. Hughes, 229 Ark. 503, 316 S.W.2d 827 (1958).

### 27-19-107. Self-insurers.

(a) Any religious denomination which has more than twenty-five (25) members who own motor vehicles registered in this state and which prohibits its members from purchasing insurance of any form as being contrary to its religious tenets, or any person in whose name more than twenty-five (25) vehicles are registered in this state or any political subdivision or municipality of this state, individually or collectively, may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Office of Motor Vehicle as provided in subsection (b) of this section.

(b)(1) The office may, in its discretion, upon the application of the religious denomination, person, political subdivision, or municipality, individually or collectively, issue a certificate of self-insurance when it is satisfied that the religious denomination, person, political subdivision, or municipality is possessed and will continue to be possessed of ability to pay judgments against them.

(2) The certificate may be issued authorizing a religious denomination, person, political subdivision, or municipality, individually or collectively, to act as a self-insurer for either property damage or bodily injury, or both.

(c)(1) Upon not less than five (5) days' notice and a hearing pursuant to such notice, the office may, upon reasonable grounds, cancel a certificate of self-insurance.

(2) Failure to pay any judgment within thirty (30) days after the judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.



**History.** Acts 1953, No. 347, § 88; A.S.A. 1947, § 75-1488, Acts 1987, No. 590, § 4; 1989, No. 189, § 1.

### RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Survey — Insurance, 10 U. Ark. Little Rock L.J. 587.  
**U. Ark. Little Rock L. Rev.** Oliver, None for the Road: Addressing the Prob-

lem of Uninsured Vehicles and Drivers in Arkansas, 21 U. Ark. Little Rock L. Rev. 167.

### CASE NOTES

**Cited:** Yarbrough v. Checker Cab Co., 256 Ark. 314, 507 S.W.2d 105 (1974);

Branscumb v. Freeman, 360 Ark. 171, 200 S.W.3d 411 (2004).

## SUBCHAPTER 2 — DEFINITIONS

#### SECTION.

27-19-201. Definitions generally.  
 27-19-202. Commissioner.  
 27-19-203. Chauffeur.  
 27-19-204. Driver.  
 27-19-205. License.  
 27-19-206. Motor vehicle.  
 27-19-207. Nonresident.  
 27-19-208. Nonresident's operating privilege.

#### SECTION.

27-19-209. Office.  
 27-19-210. Operator.  
 27-19-211. Owner.  
 27-19-212. Person.  
 27-19-213. Registration.  
 27-19-214. Vehicle.

**Effective Dates.** Acts 1987, No. 590, § 6: Apr. 4, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that the escalating costs of automobile liability insurance premiums for the political subdivisions and municipalities of the State of Arkansas drain the financial resources of these local governments and that financial problems of local governments threaten the

delivery of vital services to the citizens of this State and that by self-insuring their motor vehicles local governments may relieve themselves of this financial burden. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

### 27-19-201. Definitions generally.

As used in this chapter, the words and phrases defined in this subchapter shall have the meanings respectively ascribed to them, unless the context otherwise requires.

**History.** Acts 1953, No. 347, § 1; A.S.A. 1947, § 75-1401.

**27-19-202. Commissioner.**

“Commissioner” means the Director of the Department of Finance and Administration acting in his capacity as Commissioner of Motor Vehicles of this state.

**History.** Acts 1953, No. 347, § 3; A.S.A. 1947, § 75-1403.

**27-19-203. Chauffeur.**

“Chauffeur” means every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property except a person who operates a motor vehicle as a public or common carrier of persons over a regular route on a fixed schedule within the limits of any city or town or over a regular route on a fixed schedule between cities and towns where the boundaries between them are not more distant than five (5) miles.

**History.** Acts 1953, No. 347, § 2; 1959, No. 307, § 2; A.S.A. 1947, § 75-1402.

**CASE NOTES**

**Cited:** Hardin v. City of DeValls Bluff, 256 Ark. 480, 508 S.W.2d 559 (1974).

**27-19-204. Driver.**

“Driver” means every person who drives or is in actual physical control of a vehicle.

**History.** Acts 1953, No. 347, § 5; A.S.A. 1947, § 75-1405.

**27-19-205. License.**

“License” means any operator’s or chauffeur’s license or any other license or permit to operate a motor vehicle issued under the laws of this state, including:

- (1) Any temporary license or instruction permit;
- (2) The privilege of any person to drive a motor vehicle whether or not the person holds a valid license; and
- (3) Any nonresident’s operating privilege as defined in § 27-19-208.

**History.** Acts 1953, No. 347, § 6; A.S.A. 1947, § 75-1406.

**27-19-206. Motor vehicle.**

“Motor vehicle” means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

**History.** Acts 1953, No. 347, § 7; A.S.A. 1947, § 75-1407.

**CASE NOTES****ANALYSIS**

Insurance.  
Motorcycles.  
Trail Vehicle.

**Insurance.**

Where an insurance policy definition limits “motor vehicle” to one “designed to be used” (not merely used) on public roads, such a definition is narrower than that contemplated by Arkansas’s statutory law; a vehicle defined as a motor vehicle under Arkansas law may not come within the policy’s definition of motor vehicle. *Nationwide Mut. Ins. Co. v. Worthey*, 314 Ark. 185, 861 S.W.2d 307 (1993).

Summary judgment was improperly granted in favor of a city and its employee in a negligence action based on governmental immunity where there was a genuine issue of material fact as to whether the operation of the loader on

public roads was frequent and regular or merely incidental, and thus, whether the front-end loader was exempted from the statutory definition of “motor vehicle.” *Spears v. City of Fordyce*, 351 Ark. 305, 92 S.W.3d 38 (2002).

**Motorcycles.**

The word “automobile” does not include motorcycles in view of the legislative intent reflected in the Arkansas Motor Vehicle Safety Responsibility Act. *Phillips ex rel. Phillips v. Midwest Mut. Ins. Co.*, 329 F. Supp. 853 (W.D. Ark. 1971).

**Trail Vehicle.**

A Trail 70 vehicle with a 70 cc engine is a motor vehicle (motor-driven cycle), and, when used upon public streets, is subject to Arkansas’s registration and licensing laws. *Nationwide Mut. Ins. Co. v. Worthey*, 314 Ark. 185, 861 S.W.2d 307 (1993).

**Cited:** *Cousins v. Dennis*, 298 Ark. 310, 767 S.W.2d 296 (1989).

**27-19-207. Nonresident.**

“Nonresident” means every person who is not a resident of this state.

**History.** Acts 1953, No. 347, § 8; A.S.A. 1947, § 75-1408.

**27-19-208. Nonresident’s operating privilege.**

“Nonresident’s operating privilege” means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the person of a motor vehicle or the use of a vehicle owned by the person, in this state.

**History.** Acts 1953, No. 347, § 9; A.S.A. 1947, § 75-1409.



**27-19-209. Office.**

“Office” means the Office of Driver Services of this state.

**History.** Acts 1953, No. 347, § 4; A.S.A. 1947, § 75-1404.

**27-19-210. Operator.**

“Operator” means every person other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

**History.** Acts 1953, No. 347, § 10; A.S.A. 1947, § 75-1410.

**27-19-211. Owner.**

“Owner” means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

**History.** Acts 1953, No. 347, § 11; A.S.A. 1947, § 75-1411.

**27-19-212. Person.**

“Person” means every natural person, firm, copartnership, association, corporation, or any political subdivision of the State of Arkansas, individually or collectively, which shall include all counties, municipal corporations, public transit authorities, school districts, special improvement districts, and any other political subdivision.

**History.** Acts 1953, No. 347, § 12; A.S.A. 1947, § 75-1412; Acts 1987, No. 590, § 3.

**RESEARCH REFERENCES**

**U. Ark. Little Rock L.J.** Survey — Insurance, 10 U. Ark. Little Rock L.J. 587.

**CASE NOTES**

**Cited:** Salley v. Central Ark. Transit Auth., 326 Ark. 804, 934 S.W.2d 510 (1996).

**27-19-213. Registration.**

“Registration” means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

**History.** Acts 1953, No. 347, § 13;  
A.S.A. 1947, § 75-1413.

**27-19-214. Vehicle.**

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**History.** Acts 1953, No. 347, § 14;  
A.S.A. 1947, § 75-1414.

**SUBCHAPTER 3 — PENALTIES AND ADMINISTRATIVE SANCTIONS****SECTION.**

- 27-19-301. Penalty generally.
- 27-19-302. Penalty for failure to report accident.
- 27-19-303. Penalty for erroneous report or forgery.
- 27-19-304. Penalty for operating motor vehicle when license or registration suspended or revoked.

**SECTION.**

- 27-19-305. Penalty for failure to return license or registration.
- 27-19-306. Surrender of license and registration.
- 27-19-307. Transfer of registration to defeat provisions prohibited.

**Effective Dates.** Acts 1973, No. 585, § 7: Apr. 3, 1973. Emergency clause provided: “It is hereby found and determined by the General Assembly that the present laws of this State relative to the reporting of accidents, the deposit of security, report of judgments by courts, the revocation and suspension of motor vehicle operator and chauffeur licenses and vehicle licenses under the Motor Vehicle Safety Responsibility Law are inadequate to assure the proper and efficient enforcement and administration of the Motor Vehicle Safety Responsibility Law and that it is essential to public safety on the highways of this State that these laws be clarified immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1975, No. 1007, § 15: Apr. 22, 1975. Emergency clause provided: “It is hereby found and determined by the General Assembly that the present laws of this State relative to the reporting of accidents, the deposit of security, report of judgments, the suspension of driver’s licenses and motor vehicle license under the Motor Vehicle Safety Responsibility Law are inadequate to assure the proper and efficient enforcement and administration of the Motor Vehicle Safety Responsibility Law and that it is essential to public safety on the highways of this State that these laws be clarified immediately. Therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

**27-19-301. Penalty generally.**

Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be fined not more than five hundred dollars (\$500) or imprisoned not more than ninety (90) days, or both.

**History.** Acts 1953, No. 347, § 84;  
A.S.A. 1947, § 75-1484.

**27-19-302. Penalty for failure to report accident.**

Failure to report a motor vehicle accident or to furnish additional information as required under §§ 27-19-501, 27-19-507, and 27-19-509, shall be punished by a fine not in excess of one hundred dollars (\$100).

**History.** Acts 1953, No. 347, § 80;  
A.S.A. 1947, § 75-1480.

**27-19-303. Penalty for erroneous report or forgery.**

Any person who gives information required in a report or otherwise required for such purpose knowing or having reason to believe that the information is false or who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one (1) year, or both.

**History.** Acts 1953, No. 347, § 81;  
A.S.A. 1947, § 75-1481.

**27-19-304. Penalty for operating motor vehicle when license or registration suspended or revoked.**

Any person whose license or registration has been suspended or revoked under this chapter and who, during such suspension or revocation, drives any motor vehicle upon any highway or knowingly permits any vehicle of a type subject to registration under the laws of this state owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be fined not more than five hundred dollars (\$500) or imprisoned not exceeding six (6) months, or both.

**History.** Acts 1953, No. 347, § 82;  
A.S.A. 1947, § 75-1482.



**27-19-305. Penalty for failure to return license or registration.**

Any person willfully failing to return license or registration as required in § 27-19-306 shall be fined not more than five hundred dollars (\$500) or imprisoned not to exceed thirty (30) days, or both.

**History.** Acts 1953, No. 347, § 83;  
A.S.A. 1947, § 75-1483.

**27-19-306. Surrender of license and registration.**

(a) Any person whose license or registration shall have been suspended under any provisions of this chapter, or whose policy of insurance or bond, when required under this chapter shall have been cancelled or terminated, shall immediately return his or her license and registration to the Office of Driver Services.

(b) If any person shall fail to return to the office the license or registration as provided in this section, the office may direct any peace officer or person so designated by the office to secure possession thereof and to return it to the office.

**History.** Acts 1953, No. 347, § 79;  
1973, No. 585, § 6; 1975, No. 1007, § 14;  
A.S.A. 1947, § 75-1479.

**CASE NOTES****Power to Suspend or Revoke.**

Commissioner of Motor Vehicles has absolute power to suspend or revoke the licenses of drivers involved in accidents without any showing of negligence on

their part, and provisions of state or federal constitutions are not violated thereby. *Franklin v. Scurlock*, 224 Ark. 168, 272 S.W.2d 62 (1954).

**27-19-307. Transfer of registration to defeat provisions prohibited.**

(a) If an owner's registration has been suspended under this chapter, the registration shall not be transferred nor the vehicle in respect to which the registration was issued be registered in any other name until the Office of Driver Services is satisfied that the transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.

(b) Nothing in this section shall in any wise affect the rights of any conditional vendor, chattel mortgagee, or lessor of a vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

(c) The office shall suspend the registration of any vehicle transferred in violation of the provisions of this section.

**History.** Acts 1953, No. 347, § 78;  
A.S.A. 1947, § 75-1478.

**SUBCHAPTER 4 — ADMINISTRATION**

## SECTION.

- 27-19-401. Responsibility.  
27-19-402. Rules and regulations.  
27-19-403. Forms.  
27-19-404. Procedure for suspension of license.  
27-19-405. Requests of persons aggrieved.

## SECTION.

- 27-19-406. Operating record to be furnished.  
27-19-407. Public inspection of records.  
27-19-408. Court review.

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**Effective Dates.** Acts 1973, No. 46, § 3: Feb. 1, 1973. Emergency clause provided: "The General Assembly has determined that the U. S. Supreme Court Decision styled *Bell vs. Burson* requires hearings prior to suspension under the Financial Responsibility Law of this State; that there are no provisions for said hearings under the present Financial Responsibility Law of this State; and that, therefore, this has created doubt and confusion. The Department at present has no statutory authority to conduct said hearings. An emergency, therefore, is declared to exist and this Act shall take effect immediately from and after its passage and approval."

Acts 1975, No. 1007, § 15: Apr. 22, 1975. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws of this State relative to the reporting of accidents, the deposit of security, report of judgments, the suspension of driver's licenses and motor vehicle license under the Motor Vehicle Safety Responsibility Law are inadequate to assure the proper and efficient enforcement and administra-

tion of the Motor Vehicle Safety Responsibility Law and that it is essential to public safety on the highways of this State that these laws be clarified immediately. Therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 976, § 6: Apr. 14, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that hearings conducted by the Office of Driver Services should not be subject to the Arkansas Administrative Procedure Act and furthermore that a uniform method should be adopted for appeals from the decisions rendered by the Office of Driver Services concerning the denial, suspension, revocation or posting of security by a licensee or other interested party. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, this Act shall be in effect from the date of its passage and approval."

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**27-19-401. Responsibility.**

The Director of the Department of Finance and Administration shall administer and enforce the provisions of this chapter.

**History.** Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415.

**27-19-402. Rules and regulations.**

The Director of the Department of Finance and Administration may make rules and regulations necessary for the administration of this chapter.

**History.** Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415.

**27-19-403. Forms.**

The Director of the Department of Finance and Administration shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.

**History.** Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415.

**27-19-404. Procedure for suspension of license.**

No suspension provided for under any of the provisions of this chapter shall be issued by the Office of Driver Services until the following provisions of this section have been complied with:

(1) The office shall incorporate in its notice of security requirement or suspension a warning that the licensee has the right to a hearing if he or she desires a hearing prior to the suspension of his or her license;

(2) The only subject to be considered at this hearing shall be whether or not there is a reasonable possibility that a judgment could be rendered against the licensee in a lawsuit arising out of the accident;

(3) A hearing officer appointed by the Director of the Department of Finance and Administration shall schedule a hearing in an office of the Revenue Division of the Department of Finance and Administration designated by the director for such hearings. The hearing shall be in the office in the county of residence of the licensee unless the director and licensee agree to another location for the hearing or agree that the hearing shall be held by telephone conference call.

(4)(A) The licensee may, if he or she wishes, submit his or her cause to the office for determination upon the investigating officer's report, thereby waiving a formal hearing.

(B) Such a determination shall have all of the force and effect of a formal hearing;

(5) Any licensee desiring a hearing under the provisions of this section shall notify the Department of Finance and Administration in writing within twenty (20) days of receipt of the notice of security requirement or suspension. Hearings conducted under this section shall not be subject to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and

(6)(A) The licensee may request a hearing after the twenty-day period has passed;

(B) If the hearing is requested after the order of suspension has gone into effect, the request will not operate as a stay of the order of



suspension which will remain in effect and be terminated only in the event a decision favorable to the licensee is rendered at the hearing.

**History.** Acts 1953, No. 347, § 15; Acts 1987, No. 976, § 3; 2001, No. 1057, 1973, No. 46, § 1; A.S.A. 1947, § 75-1415; § 2.

### **27-19-405. Requests of persons aggrieved.**

The Director of the Department of Finance and Administration shall receive and consider any pertinent information upon request of persons aggrieved by his or her orders or acts under any of the provisions of this chapter.

**History.** Acts 1953, No. 347, § 15; 1973, No. 46, § 1; A.S.A. 1947, § 75-1415.

### **27-19-406. Operating record to be furnished.**

(a) The Office of Driver Services shall, upon request, furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which shall include enumeration of any motor vehicle accidents in which the person has been involved and reference to any convictions of the person for violation of the motor vehicle laws as reported to the office, and a record of any vehicles registered in the name of the person.

(b) The office shall collect for each abstract the sum of fifty cents (50¢) for each page.

**History.** Acts 1953, No. 347, § 17; A.S.A. 1947, § 75-1417.

### **27-19-407. Public inspection of records.**

All records of the Office of Driver Services shall be open to public inspection at any reasonable time.

**History.** Acts 1953, No. 347, § 17; A.S.A. 1947, § 75-1417.

### **27-19-408. Court review.**

(a) Any order or act of the Director of the Department of Finance and Administration under the provisions of this chapter shall be subject to a de novo petition of review in the circuit court of the district in which any party of interest resides.

(b) The filing of a petition of review shall not operate as an automatic stay of any order or act of the director.

(c) A determination shall be made by the circuit judge on the issue of whether a stay should be granted.

(d) The circuit judge is vested with the jurisdiction to determine whether the petitioner is entitled to a license or whether the act or order of the director should be affirmed, modified, or reversed.

**History.** Acts 1953, No. 347, § 16; 1975, No. 1007, § 1; A.S.A. 1947, § 75-1416; Acts 1987, No. 976, § 4.

### CASE NOTES

**Cited:** Larey v. Morris, 245 Ark. 453, 432 S.W.2d 861 (1968).

### SUBCHAPTER 5 — ACCIDENT REPORTS

#### SECTION.

- 27-19-501. Report required.
- 27-19-502. Form of report.
- 27-19-503. Presumption of uninsured.
- 27-19-504. Proof of insurance.
- 27-19-505. Insurance report.
- 27-19-506. Failure of insurance carrier to file reports.

#### SECTION.

- 27-19-507. Additional information.
- 27-19-508. Suspension for failure to report.
- 27-19-509. Incapacity to report.
- 27-19-510. Confidentiality of information.

**Effective Dates.** Acts 1973, No. 585, § 7: Apr. 3, 1973. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws of this State relative to the reporting of accidents, the deposit of security, report of judgments by courts, the revocation and suspension of motor vehicle operator and chauffeur licenses and vehicle licenses under the Motor Vehicle Safety Responsibility Law are inadequate to assure the proper and efficient enforcement and administration of the Motor Vehicle Safety Responsibility Law and that it is essential to public safety on the highways of this State that these laws be clarified immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1975, No. 1007, § 15: Apr. 22, 1975. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws of this State relative to the reporting of accidents, the deposit of security, report of judgments, the suspension of driver's licenses and motor vehicle license under the Motor Vehicle Safety Responsibility Law are inadequate to assure the proper and efficient enforcement and administration of the Motor Vehicle Safety Responsibility Law and that it is essential to public safety on the highways of this State that these laws be clarified immediately. Therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

### RESEARCH REFERENCES

**A.L.R.** "Amnesty" provision whereby automobile driver leaving scene of accident may report to police within stated

time without risk of use of his report against him. 36 A.L.R.4th 907.

**27-19-501. Report required.**

The driver of a vehicle of a type subject to registration under the motor vehicle laws of this state that is in any manner involved in an accident within this state which accident has resulted in damage to the property of any one (1) person in excess of one thousand dollars (\$1,000) or in bodily injury to or in the death of any person shall report the accident to the Office of Driver Services within thirty (30) days after the accident on an electronic or paper form approved by the Director of the Department of Finance and Administration subject to the exemptions provided in §§ 27-19-509 and 27-19-604.

**History.** Acts 1953, No. 347, § 18; 1973, No. 334, § 1; 1975, No. 1007, § 2; A.S.A. 1947, § 75-1418; Acts 1991, No. 721, § 1; 2001, No. 1156, § 1; 2005, No. 199, § 1.

**Amendments.** The 2005 amendment substituted "one thousand dollars (\$1,000)" for "five hundred dollars (\$500)."

**Cross References.** Report of vehicle accidents required, § 27-53-202.

**CASE NOTES****Applicability.**

Operator of a motor vehicle, not the owner of a motor vehicle, was the person responsible for reporting an accident and for filing proof of insurance, and the operator could be liable for penalties for his failure to do so; any action taken by an enforcement agency against an operator for non-compliance could not be used in a

subsequent civil proceeding. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**Cited:** *Davis v. Southern Farm Bureau Cas. Ins. Co.*, 231 Ark. 211, 330 S.W.2d 276 (1959); *Halliman v. Stiles*, 250 Ark. 249, 464 S.W.2d 573 (1971); *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**27-19-502. Form of report.**

The form of accident report prescribed by the Office of Driver Services shall contain information sufficient to enable the office to determine whether the requirements for the deposit of security under this chapter are inapplicable by reason of the existence of insurance or other exceptions specified in this chapter.

**History.** Acts 1953, No. 347, § 19; 1963, No. 180, § 1; 1973, No. 585, § 1; A.S.A. 1947, § 75-1419.

**CASE NOTES****In General.**

This section provides an alternative method of protecting one's driving privilege and of satisfying the statutory re-

quirements for the deposit of security when an accident occurs. *Looney v. Allstate Ins. Co.*, 392 F.2d 401 (8th Cir. 1968).

**27-19-503. Presumption of uninsured.**

There shall be a presumption created that a motorist and the vehicle the motorist is operating are uninsured if the motorist has failed within ninety (90) days of the date of an accident to file or cause to be filed in



his or her behalf a certificate proving that the motorist or the vehicle the motorist is operating is insured in at least minimum insurance limits as required by law, and any person alleging or contending that the motorist or the vehicle the motorist is operating is insured shall have the burden of proving that coverage.

**History.** Acts 1953, No. 347, § 18; 1973, No. 334, § 1; 1975, No. 1007, § 2; A.S.A. 1947, § 75-1418; Acts 2003, No. 1043, § 1.

**Cross References.** Accidents generally, § 27-53-101 et seq.

## CASE NOTES

### ANALYSIS

Constitutionality.  
In General.  
Construction.  
Policy Language.

#### Constitutionality.

This section is not unconstitutional because there is a rational connection between the proof that a person has not filed a certificate of insurance as required by law and the presumption that the person is therefore uninsured. *Throesch v. United States Fid. & Guar. Co.*, 100 F. Supp. 2d 934 (E.D. Ark. 2000), *aff'd in part, rev'd in part*, 255 F.3d 551 (8th Cir. 2001).

Where defendant pointed to no rules of civil procedure which would conflict with the presumption of being uninsured created in this section by the Arkansas General Assembly, the section is not unconstitutional based on any separation of powers concerns. *Throesch v. United States Fid. & Guar. Co.*, 100 F. Supp. 2d 934 (E.D. Ark. 2000), *aff'd in part, rev'd in part*, 255 F.3d 551 (8th Cir. 2001).

#### In General.

This section creates a presumption of "uninsured" status which extends beyond the narrow purposes of the Motor Vehicle Safety Responsibility Act to the Uninsured Motorist Act. *Throesch v. United States Fid. & Guar. Co.*, 100 F. Supp. 2d 934 (E.D. Ark. 2000), *aff'd in part, rev'd in part*, 255 F.3d 551 (8th Cir. 2001).

Summary judgment was properly awarded to insurers in a motor vehicle passenger's action to recover uninsured

motorist benefits after a car in which the passenger was riding was involved in an accident where Acts 2003, chapter 1043, amending this section, did not amend § 23-89-403. The law under this section remained that a plaintiff had to prove that the other vehicle was uninsured. *Kelley v. USAA Cas. Ins. Co.*, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 572 (Nov. 1, 2007).

#### Construction.

The presumption created by this section addresses the insurance coverage of both the driver of the vehicle and the vehicle's owner. *Throesch v. United States Fid. & Guar. Co.*, 100 F. Supp. 2d 934 (E.D. Ark. 2000), *aff'd in part, rev'd in part*, 255 F.3d 551 (8th Cir. 2001).

This section does not create a presumption that a vehicle was uninsured; the statutory presumption applies only to motorists, not to vehicles. *Throesch v. United States Fid. & Guar. Co.*, 255 F.3d 551 (8th Cir. 2001).

#### Policy Language.

Under language of the automobile insurance policy in question, the hit-and-run vehicle must "hit" the plaintiff for coverage under the hit-and-run provision of the policy to apply. *Throesch v. United States Fid. & Guar. Co.*, 100 F. Supp. 2d 934 (E.D. Ark. 2000), *aff'd in part, rev'd in part*, 255 F.3d 551 (8th Cir. 2001).

**Cited:** *Davis v. Southern Farm Bureau Cas. Ins. Co.*, 231 Ark. 211, 330 S.W.2d 276 (1959); *Halliman v. Stiles*, 250 Ark. 249, 464 S.W.2d 573 (1971); *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**27-19-504. Proof of insurance.**

The existence of insurance must be proved by means of an insurance report, which shall be on an electronic or paper form approved by the Office of Driver Services.

**History.** Acts 1953, No. 347, § 19; A.S.A. 1947, § 75-1419; Acts 2001, No. 1963, No. 180, § 1; 1973, No. 585, § 1; 1156, § 2.

**27-19-505. Insurance report.**

Unless filed electronically, the insurance report must be signed in ink and forwarded to the Office of Driver Services by the liability insurance carrier or an authorized agent of the insurance carrier within fifty (50) days of the date of the accident.

**History.** Acts 1953, No. 347, § 19; A.S.A. 1947, § 75-1419; Acts 2001, No. 1963, No. 180, § 1; 1973, No. 585, § 1; 1156, § 3.

**CASE NOTES****ANALYSIS**

Effect of Filing.  
Erroneous Filing.

**Effect of Filing.**

The filing of an SR 21 form by an insurance company does not constitute an estoppel or waiver of any noncoverage defense it might have under the policy.

Looney v. Allstate Ins. Co., 392 F.2d 401 (8th Cir. 1968).

**Erroneous Filing.**

The filing of an SR 21 form by an insurance company mistakenly believing it was liable under policy did not bind the company to provide coverage after it discovered it was not liable. Looney v. Allstate Ins. Co., 392 F.2d 401 (8th Cir. 1968).

**27-19-506. Failure of insurance carrier to file reports.**

When the Office of Driver Services has determined that an insurance carrier has failed to file insurance reports within the required fifty (50) days, the office shall, in its discretion, determine whether the insurance carrier is negligent in filing the required reports and may refuse to accept any further filings of proof of financial responsibility from the insurance carrier.

**History.** Acts 1953, No. 347, § 19; 1963, No. 180, § 1; 1973, No. 585, § 1; A.S.A. 1947, § 75-1419.

**27-19-507. Additional information.**

The driver or the owner of the vehicle involved in the accident shall furnish any additional revenue information as the Office of Driver Services may require.

**History.** Acts 1953, No. 347, § 21; A.S.A. 1947, § 75-1421.

**27-19-508. Suspension for failure to report.**

The Office of Driver Services is authorized, in its discretion, to suspend the license of any person who fails to report an accident or to give correct information in connection with the report as required by the office until the report has been filed and for a further period, not to exceed thirty (30) days, as the office may determine.

**History.** Acts 1953, No. 347, § 22;  
A.S.A. 1947, § 75-1422.

**CASE NOTES****In General.**

Operator of a motor vehicle, not the owner of a motor vehicle, was the person responsible for reporting an accident and for filing proof of insurance, and the operator could be liable for penalties for his failure to do so; any action taken by an

enforcement agency against an operator for non-compliance could not be used in a subsequent civil proceeding. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**Cited:** *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**27-19-509. Incapacity to report.**

(a) An accident report is not required under this subchapter from any person who is physically incapable of making report during the period of incapacity.

(b) If any driver is physically incapable of making a required accident report and is not the owner of the vehicle involved in the accident, then the owner of the vehicle shall, within five (5) days after he or she learns of the accident, make the report not made by the driver.

**History.** Acts 1953, No. 347, § 20;  
A.S.A. 1947, § 75-1420.

**CASE NOTES**

**Cited:** *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**27-19-510. Confidentiality of information.**

Accident reports and supplemental information in connection therewith required under this subchapter may be examined by any person named in the report or his or her representative designated in writing but shall not be open to general public inspection, nor shall copying of lists of accident reports be permitted.

**History.** Acts 1953, No. 347, § 23;  
A.S.A. 1947, § 75-1423.



## SUBCHAPTER 6 — SECURITY FOLLOWING ACCIDENT

## SECTION.

- 27-19-601. Applicability generally.
- 27-19-602. Applicability to nonresidents, unlicensed drivers, unregistered vehicles, and accidents in other states.
- 27-19-603. Determination and notice of amount of security required.
- 27-19-604. Exceptions to security requirement.
- 27-19-605. Requirements as to policy or bond.
- 27-19-606. Designation of persons covered.
- 27-19-607. Form and amount of security.
- 27-19-608. Reduction in premium for certain persons completing accident prevention course.
- 27-19-609. Authority to adjust amount limited.

## SECTION.

- 27-19-610. Suspension for failure to deposit security.
- 27-19-611. Duration of suspension.
- 27-19-612. Agreements for payment of damages.
- 27-19-613. Release from liability.
- 27-19-614. Adjudication of nonliability.
- 27-19-615. Payment upon judgment.
- 27-19-616. Termination of security requirements.
- 27-19-617. Disposition of security.
- 27-19-618. Return of deposit.
- 27-19-619. Forfeiture when not claimed within certain period.
- 27-19-620. Corrective administrative action.
- 27-19-621. Matters not to be evidence in civil actions.

**Effective Dates.** Acts 1973, No. 499, § 2: Mar. 29, 1973. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present law requiring that security be deposited in all cases of motor vehicle accidents involving One Hundred Dollars (\$100) or more property damage and providing for suspension of license for failure to deposit security, is unduly restrictive and places an unwarranted hardship on the citizens of this State, and that this situation should be corrected immediately by raising such One Hundred Dollar (\$100) limitation to Two Hundred Fifty Dollars (\$250). Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1973, No. 585, § 7: Apr. 3, 1973. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws of this State relative to the reporting of accidents, the deposit of security, report of judgments by courts, the revocation and suspension of motor vehicle operator and chauffeur licenses and vehicle licenses under the Mo-

tor Vehicle Safety Responsibility Law are inadequate to assure the proper and efficient enforcement and administration of the Motor Vehicle Safety Responsibility Law and that it is essential to public safety on the highways of this State that these laws be clarified immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1975, No. 1007, § 15: Apr. 22, 1975. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws of this State relative to the reporting of accidents, the deposit of security, report of judgments, the suspension of driver's licenses and motor vehicle license under the Motor Vehicle Safety Responsibility Law are inadequate to assure the proper and efficient enforcement and administration of the Motor Vehicle Safety Responsibility Law and that it is essential to public safety on the highways of this State that these laws be clarified immediately. Therefore an emergency is hereby declared to exist and this Act being neces-

sary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 2007, No. 485, § 9: Jan. 1, 2008.

### **27-19-601. Applicability generally.**

The provisions of this subchapter requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury to or death of any person or damage to the property of any one (1) person in excess of five hundred dollars (\$500).

**History.** Acts 1953, No. 347, § 24; 1973, No. 499, § 1; A.S.A. 1947, § 75-1424; Acts 1991, No. 721, § 2.

### **CASE NOTES**

**Cited:** Davis v. Southern Farm Bureau Cas. Ins. Co., 231 Ark. 211, 330 S.W.2d 276 (1959); Looney v. Allstate Ins. Co., 392 F.2d 401 (8th Cir. 1968); Cousins v. Dennis, 298 Ark. 310, 767 S.W.2d 296 (1989);

Payne v. Farm Bureau Mut. Ins. Co., 298 Ark. 540, 768 S.W.2d 543 (1989); Automobile Club Inter-Insurance Exch. v. State Farm Mut. Auto. Ins. Co., 302 Ark. 78, 787 S.W.2d 237 (1990).

### **27-19-602. Applicability to nonresidents, unlicensed drivers, unregistered vehicles, and accidents in other states.**

(a) In case the driver or the owner of a vehicle of a type subject to registration under the laws of this state involved in an accident within this state has no license or registration in this state, then the driver shall not be allowed a license, nor shall the owner be allowed to register any vehicle in this state until he or she has complied with the requirements of this subchapter, to the same extent that would be necessary if, at the time of the accident, he or she had held a license or been the owner of a vehicle registered in this state.

(b) When a nonresident's operating privilege is suspended pursuant to § 27-19-610, the office shall transmit a certified copy of the record of the action to the official in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of the other state provides for action in relation thereto similar to that provided for in subsection (c) of this section.

(c)(1) Upon receipt of certification that the operating privilege of a resident of this state has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the office to suspend a nonresident's operating privilege had the accident occurred



in this state, the Office of Driver Services shall suspend the license of the resident if he or she was the driver and all of his or her registrations if he or she was the owner of a motor vehicle involved in such accident.

(2) The suspension shall continue until the resident furnishes evidence of his or her compliance with the law of the other state relating to the deposit of such security.

**History.** Acts 1953, No. 347, § 36;  
A.S.A. 1947, § 75-1436.

### **27-19-603. Determination and notice of amount of security required.**

(a)(1) Within thirty (30) days after an accident has occurred, and provided the accident has been reported to the Office of Driver Services within thirty (30) days, the office shall determine the amount of security which shall be deposited to satisfy any judgment for damages resulting from the accident as may be recovered against each driver or owner based on an amount equal to the minimum limits specified in § 27-19-605. The amount of security required to be deposited shall be:

(A) If the accident resulted in bodily injury or death to one (1) person, twenty-five thousand dollars (\$25,000);

(B) If the accident resulted in bodily injury or death to two (2) or more persons in any one (1) accident, fifty thousand dollars (\$50,000);

(C) If the accident resulted in the injury to or the destruction of property of others in any one (1) accident, twenty-five thousand dollars (\$25,000); or

(D) If the accident resulted in both bodily injury or death and in the destruction of property, a combination of the amounts specified in subdivisions (a)(1)(A)-(C) of this section.

(2) Determination shall not be made with respect to drivers or owners who are exempt under provisions of any other section of this chapter from the requirements as to security or suspension of motor vehicle registration and driving privilege.

(b)(1) The office shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. The office's determination shall be limited to whether the accident resulted in bodily injury or death to one (1) person or two (2) or more persons in any one (1) accident or to injury to or destruction of property of others in any one (1) accident, or a combination of these.

(2) In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the existence of any injuries or damage to his or her property within thirty (30) days after the accident and the office has issued reasonable notice to such person if it is possible to give the notice, otherwise without notice, then the office shall not require any deposit of security for the benefit or protection of such person.

(c) The office, no sooner than fifty (50) days after the date of an accident as referred to in this chapter, and upon determining the



amount of security to be required of any person involved in the accident or to be required of the owner of any vehicle involved in the accident, shall give written notice to every person of the amount of security required to be deposited by him or her and then an order of suspension will be made upon the expiration of twenty (20) days after the sending of the notice unless within that time security is deposited as required by the notice.

**History.** Acts 1953, No. 347, § 25; A.S.A. 1947, § 75-1425; Acts 1993, No. 1973, No. 585, § 2; 1975, No. 1007, § 3; 912, § 1; 1999, No. 1527, § 1.

#### CASE NOTES

**Cited:** Davis v. Southern Farm Bureau  
Cas. Ins. Co., 231 Ark. 211, 330 S.W.2d  
276 (1959).

#### **27-19-604. Exceptions to security requirement.**

The requirements as to security and suspension in this subchapter shall not apply to:

(1) The driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle and the driver's operation of the vehicle involved in the accident providing the minimum coverage required under § 27-22-104, except that a driver shall not be exempt under this subdivision if at the time of the accident, the vehicle was being operated without the owner's permission, express or implied;

(2) The driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his or her driving of vehicles not owned by him or her;

(3) A driver or owner whose liability for damages resulting from the accident is, in the judgment of the Office of Driver Services, covered by any other form of liability insurance policy or bond;

(4) Any person qualifying as a self-insurer under § 27-19-107 or any person operating a vehicle for the self-insurer;

(5) The driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than the driver or owner;

(6) The driver or owner of a vehicle which at the time of the accident was parked, unless the vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(7) The owner of a vehicle if at the time of the accident the vehicle was being operated without his or her permission, express or implied, or was parked by a person who had been operating such vehicle without permission;

(8) The owner of a vehicle involved in an accident if at the time of the accident the vehicle was owned by or leased to the United States, this

state, or any political subdivision of this state, or a municipality thereof, or the driver of the vehicle if operating the vehicle with permission; or

(9) The driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his or her duties, shall have assumed custody of such vehicle.

**History.** Acts 1953, No. 347, § 26; A.S.A. 1947, § 75-1426; Acts 2007, No. 485, §§ 7, 9.

**Amendments.** The 2007 amendment, in (1), inserted “and the driver’s operation

of the vehicle” and “providing the minimum coverage required under § 27-22-104”.

**Effective Dates.** Acts 2007, No. 485, § 9: Jan. 1, 2008.

### CASE NOTES

#### Public Vehicles.

The exclusion of subdivision (8) of this section does not render valid a similar exclusion in the uninsured motorist clause of an automobile insurance policy. *Vaught*

*v. State Farm Fire & Casualty Co.*, 413 F.2d 539 (8th Cir. 1969).

**Cited:** *Looney v. Allstate Ins. Co.*, 392 F.2d 401 (8th Cir. 1968).

### 27-19-605. Requirements as to policy or bond.

(a) No policy or bond shall be effective under § 27-19-604 unless issued by an insurance company or surety company authorized to do business in this state except as provided in subsection (b) of this section, nor unless the policy or bond is subject, if the accident resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars (\$25,000) because of bodily injury or death of one (1) person in any one (1) accident and subject to said limit for one (1) person, to a limit of not less than fifty thousand dollars (\$50,000) because of bodily injury or death of two (2) or more persons in any one (1) accident, and if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident.

(b) No policy or bond shall be effective under § 27-19-604 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing the policy or bond is authorized to do business in this state, or if the company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the Director of the Department of Finance and Administration to accept service on its behalf of notice or process in any action upon such policy or bond arising out of an accident.

(c) The Office of Driver Services may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the office has reason to believe that the information is erroneous.

**History.** Acts 1953, No. 347, § 27; 1959, No. 307, § 18; 1981, No. 478, § 1; A.S.A. 1947, § 75-1427; Acts 1999, No. 1527, § 2.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## RESEARCH REFERENCES

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Insurance — The Burden of Proving Noninsurance Under Motorist Statute, 23 Ark. L. Rev. 292.

Insurance — Uninsured Motorist Coverage — Set-Off of Amounts Payable Un-

der Medical Payments Coverage, 25 Ark. L. Rev. 548.

Uninsured Motorist Insurance Offset for Workmen's Compensation Benefits, 26 Ark. L. Rev. 570.

**U. Ark. Little Rock L.J.** Strother, Survey of Insurance Law, 3 U. Ark. Little Rock L.J. 242.

Survey — Insurance, 10 U. Ark. Little Rock L.J. 587.

Survey — Torts, 10 U. Ark. Little Rock L.J. 609.

## CASE NOTES

### ANALYSIS

Applicability.

Accumulation of Coverages.

Double Coverage.

Minimum Limitation.

Right of Set-Off.

Secondary Coverage.

Underinsured Motorist Coverage.

Uninsured Motorist Coverage.

### Applicability.

The Central Arkansas Transit Authority is a common carrier as defined in § 23-16-301 and is therefore subject to the requirements of liability under this section and § 23-16-302. *Salley v. Central Ark. Transit Auth.*, 326 Ark. 804, 934 S.W.2d 510 (1996).

### Accumulation of Coverages.

Where the twelve premiums were paid for coverage insuring against personal injuries by uninsured motorists and the policy's "other insurance" clause was ambiguous as to whether it applied to other insurance with the same company, the separate uninsured motorist coverages were "stacked" or accumulated, thereby providing a greater award to the claimant under the policy. *Dugal v. Commercial Std. Ins. Co.*, 456 F. Supp. 290 (W.D. Ark. 1978).

### Double Coverage.

In an action by an insured to recover under an uninsured motorist policy, where motorist, who sustained injuries resulting in damage of more than \$20,000 when the truck he was driving collided with an uninsured motorist's vehicle, recovered \$10,000 under the uninsured motorist policy issued to the owner of the truck, he was then precluded from recovering under a similar policy that had been issued to him personally, even though the policy contained "other insurance" clause. *Harris v. Southern Farm Bureau Cas. Ins. Co.*, 247 Ark. 961, 448 S.W.2d 652 (1970).

Clause in uninsured motorist coverage of liability policy that provided that any amount payable under that coverage because of bodily injury should have been reduced by amount payable under workmen's compensation law was void. *Travelers Ins. Co. v. National Farmers Union Property & Cas. Co.*, 252 Ark. 624, 480 S.W.2d 585 (1972).

### Minimum Limitation.

This section requires only that the amount for which a policy is issued shall be not less than the limit described and an insurance company may provide in its policies coverage in any sum above this minimum which it chooses to pay in the event of the liability of an uninsured motorist if the insured accepts such policies.



*Robey v. Safeco Ins. Co. of Am.*, 270 F. Supp. 473 (W.D. Ark. 1967), *aff'd*, 399 F.2d 330 (8th Cir. 1968), questioned, *Boehler v. Insurance Co. of N. Am.*, 290 F. Supp. 867 (E.D. Ark. 1968).

### **Right of Set-Off.**

An automobile insurance carrier cannot, by policy language, set-off its medical payments, made on behalf of its insured to a third party, against its payment for the same insured to the injured party of the policy limit for bodily injury. *State Farm Mut. Auto. Ins. Co. v. Sims*, 288 Ark. 541, 708 S.W.2d 72 (1986).

### **Secondary Coverage.**

Policy for "the limit of bodily injury liability required by the motor vehicle financial liability law" is not excused from liability under the uninsured motorist clause of the policy by a partial payment of the damages suffered by the insured in that amount by another insurer, as the limits of this section are minimum and not maximum. *Robey v. Safeco Ins. Co. of Am.*, 270 F. Supp. 473 (W.D. Ark. 1967), *aff'd*, 399 F.2d 330 (8th Cir. 1968), questioned, *Boehler v. Insurance Co. of N. Am.*, 290 F. Supp. 867 (E.D. Ark. 1968).

Where a claimant was covered by the uninsured motorist clause in both the primary policy on the car in which she was a passenger and the secondary policy on a car owned by her father, both policies having the same coverage limits, and the primary coverage was insufficient to pay all claims against it, the secondary carrier was entitled to credit under its "other insurance" clause only for so much of the primary coverage as remained after payment of other claims against it, and the claimant was under no obligation to join other claimants in their action against the primary carrier. *Childers v. Southern Farm Bureau Cas. Ins. Co.*, 282 F. Supp. 866 (E.D. Ark. 1968).

### **Underinsured Motorist Coverage.**

Where insured sued insurer seeking to have the provisions of her automobile insurance policy interpreted as providing underinsured liability coverage, but had paid premiums for uninsured motorist li-

ability coverage, and, at the time she purchased her policy, insurer did not even offer underinsured motor vehicle coverage, insured's receipt of the very type of insurance for which she paid premiums did not reduce her coverage, did not give a windfall to the insurer, and was not against the public policy of the state. *Hawkins v. State Farm Fire & Cas. Co.*, 302 Ark. 582, 792 S.W.2d 307 (1990).

Section 23-89-209 and this section clearly mandate that a minimum of \$25,000 underinsured coverage be offered and not an amount equal to the liability insurance purchased by the insured; therefore, when underinsurance is implied by law under § 23-89-209, the insured will be limited to the minimum amount referred to in the statute. *Ross v. United Servs. Auto. Ass'n*, 320 Ark. 604, 899 S.W.2d 53 (1995).

### **Uninsured Motorist Coverage.**

A provision in an automobile policy that an insurer should not be obligated to pay under uninsured motorist coverage for that part of the damages which the insured might be entitled to recover from the owner or operator of an uninsured automobile that represented expenses for medical services paid or payable under the medical payments coverage of policy was void and against public policy in that it reduced the minimum coverage of uninsured motorist protection prescribed and required by law. *Heiss v. Aetna Casualty & Surety Co.*, 250 Ark. 474, 465 S.W.2d 699 (1971).

**Cited:** *MFA Mut. Ins. Co. v. Wallace*, 245 Ark. 230, 431 S.W.2d 742 (1968); *Kennedy v. State Farm Mut. Auto. Ins. Co.*, 46 F.R.D. 12 (E.D. Ark. 1969); *Allstate Ins. Co. v. Harrison*, 307 F. Supp. 743 (W.D. Ark. 1969); *Alexander v. Pilot Fire & Cas. Ins. Co.*, 331 F. Supp. 561 (E.D. Ark. 1971); *Howard v. Grain Dealers Mut. Ins. Co.*, 342 F. Supp. 1125 (W.D. Ark. 1972); *Aetna Ins. Co. v. Smith*, 263 Ark. 849, 568 S.W.2d 11 (1978); *Young v. Bailey*, 294 Ark. 300, 742 S.W.2d 905 (1988); *Cousins v. Dennis*, 298 Ark. 310, 767 S.W.2d 296 (1989); *Spears v. City of Fordyce*, 351 Ark. 305, 92 S.W.3d 38 (2002).

**27-19-606. Designation of persons covered.**

Every depositor of security shall designate in writing every person in whose name the deposit is made and may at any time change the designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

**History.** Acts 1953, No. 347, § 28;  
A.S.A. 1947, § 75-1428.

**27-19-607. Form and amount of security.**

The security required under this subchapter shall be in such form as the office may require and shall be in such amount equal to the minimum amounts specified in § 27-19-605 based on the determination of whether the accident resulted in bodily injury or death to one (1) or more people, or injury to or destruction of property of others, or both.

**History.** Acts 1953, No. 347, § 28;  
A.S.A. 1947, § 75-1428; Acts 1993, No.  
912, § 2.

**27-19-608. Reduction in premium for certain persons completing accident prevention course.**

(a)(1) Any schedule of rates or rating plan for automobile liability and physical damage insurance submitted to or filed with the Insurance Commissioner shall provide for an appropriate reduction in premium charges for those insured who are fifty-five (55) years of age and older for a three-year period after successfully completing a motor vehicle accident prevention course meeting the Office of Motor Vehicle's criteria.

(2) All insurance companies writing automobile liability and physical damage insurance in Arkansas shall allow an appropriate reduction in premium charges to all eligible persons subject to this section.

(b) The approved course shall be taught by an instructor approved by the office.

(c) There shall be no reduction in premiums for a self-instructed course or a course which does not provide for actual classroom or field driving instruction for a minimum number of hours as determined by the office.

(d) Upon successfully completing the approved course, each participant shall be issued by the course's sponsoring agency a certificate which shall be the basis of qualification for the discount on insurance.

(e) Each participant shall take an approved course each three (3) years to continue to be eligible for the discount on insurance.

**History.** Acts 1981, No. 718, §§ 1-5; Acts 1992 (1st Ex. Sess.), No. 12, § 1; 1992 A.S.A. 1947, §§ 75-1427.1 — 75-1427.5; (1st Ex. Sess.), No. 14, § 1.



**27-19-609. Authority to adjust amount limited.**

(a) The Office of Driver Services may adjust the amount of security ordered in any case within six (6) months after the date of the accident, but only if and limited to the extent it determines a mistake was made in determining whether the accident resulted in bodily injury or death to one (1) person or two (2) or more persons in any one (1) accident or to the injury to or the destruction of property of others in any one (1) accident, or a combination of these.

(b) In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith.

**History.** Acts 1953, No. 347, § 37; 1975, No. 1007, § 6; A.S.A. 1947, § 75-1437; Acts 1993, No. 912, § 3.

**27-19-610. Suspension for failure to deposit security.**

(a) In the event that any person required to deposit security under this subchapter fails to deposit the security within twenty (20) days after the Office of Driver Services has sent the notice as provided in § 27-19-603, the office shall thereupon suspend:

(1) The license of each driver in any manner involved in the accident;

(2) The registration of all vehicles owned by the owner of each vehicle of a type subject to registration under the laws of this state;

(3) If the driver is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state; and

(4) If such owner is a nonresident, the privilege of the owner to operate or permit the operation within this state of a vehicle of a type subject to registration under the laws of this state.

(b) Suspensions shall be made in respect to persons required by the office to deposit security who fail to deposit the security, except as otherwise provided under this subchapter.

(c) In the discretion of the office, the suspension of the motor vehicle registration and driving privilege shall not wholly deprive innocent persons of their livelihood.

**History.** Acts 1953, No. 347, § 29; 1973, No. 585, § 3; 1975, No. 1007, § 4; A.S.A. 1947, § 75-1429.

**27-19-611. Duration of suspension.**

Unless a suspension is terminated under other provisions of this subchapter, any order of suspension by the Office of Driver Services under this subchapter shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended and no registration shall be renewed for or issued to any person whose vehicle registration is so suspended until:



(1) The person shall deposit or there shall be deposited on his or her behalf the security required under this subchapter; or

(2)(A) One (1) year shall have elapsed following the date of the suspension, and evidence satisfactory to the Office of Driver Services has been filed with it that during such period no action for damages arising out of the accident resulting in the suspension has been instituted.

(B)(i) An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or her or, if filed, that it is not still pending shall be prima facie evidence of that fact.

(ii) The office may take whatever steps are necessary to verify the statement set forth in any affidavit.

**History.** Acts 1953, No. 347, § 35;  
A.S.A. 1947, § 75-1435.

### **27-19-612. Agreements for payment of damages.**

(a) Any two (2) or more of the persons involved in, or affected by, an accident as described in § 27-19-601 may, at any time, enter into a written agreement for the payment of an agreed amount with respect to all claims of any of such persons because of bodily injury or death or property damage arising from the accident, which may provide for payment in installments, and may file a signed copy thereof with the Office of Driver Services.

(b) In the event any such written agreement is filed with the office, the office shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the office shall immediately return the security to the depositor or his personal representative.

(c)(1) In the event of a default in any payment under the agreement and upon notice of default within one (1) year, the office shall take action suspending the license or the registration or both the license and registration of such person in default as would be appropriate in the event of failure of the person to deposit security when required under this subchapter.

(2) The suspension shall remain in effect and the license or registration shall not be restored unless and until:

(A) Security is deposited as required under this subchapter in such amount as the office may then determine is required under this subchapter;

(B) When, following any such default and suspension, the person in default has paid the balance of the agreed amount; or

(C) One (1) year has elapsed following the effective date of the suspension, and evidence satisfactory to the office has been filed with the office that during that period no action at law upon the agreement has been instituted and is pending.

**History.** Acts 1953, No. 347, § 32; 1975, No. 1007, § 5; A.S.A. 1947, § 75-1432; Acts 1993, No. 912, § 4.

### **27-19-613. Release from liability.**

(a) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident in the event he or she is released from liability by such other person.

(b) A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this subchapter.

(c) In the event the Office of Driver Services determines the injuries or damage to any minor is less than the amount required for depositing security for an accident under § 27-19-601, the office may accept, for the purposes of this subchapter only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of the minor without the approval of any court or judge.

**History.** Acts 1953, No. 347, § 30; A.S.A. 1947, § 75-1430; Acts 1993, No. 912, § 5.

### **27-19-614. Adjudication of nonliability.**

A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event the person has been finally adjudicated not to be liable in respect to such claim.

**History.** Acts 1953, No. 347, § 31; A.S.A. 1947, § 75-1431.

### **27-19-615. Payment upon judgment.**

The payment of a judgment arising out of an accident or the payment upon the judgment of an amount equal to the maximum amount which could be required for deposit under this subchapter shall, for the purposes of this subchapter, release the judgment debtor from the liability evidenced by the judgment.

**History.** Acts 1953, No. 347, § 33; A.S.A. 1947, § 75-1433.

### **27-19-616. Termination of security requirements.**

(a) The Office of Driver Services, if satisfied as to the existence of any fact which under §§ 27-19-612 — 27-19-615 would entitle a person to be relieved from the security requirements of this subchapter, shall not require the deposit of security by the person so relieved from the requirements and shall terminate any prior order of suspension in regard to the person, or, if security has previously been deposited by the

person, the office shall immediately return the deposit to him or her or to his or her personal representative.

(b) If any person under suspension has received a settlement from the adverse party or his or her liability insurance carrier reimbursing him or her for his or her property damages and personal injuries, then the office shall not suspend his or her license and registration, and if his or her license and registration have been suspended, they shall be reinstated, and, if any such person has deposited security with the office and a settlement is subsequently made, he or she shall be entitled to the return of his or her security deposit upon proof satisfactory to the office of such settlement.

**History.** Acts 1953, No. 347, § 34; 1959, No. 60, § 1; A.S.A. 1947, § 75-1434.

### **27-19-617. Disposition of security.**

(a) Security provided under this subchapter shall be applicable and available only for:

(1) The payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit; or

(2) The payment of a judgment rendered against the person required to make the deposit for damages arising out of the accident in an action at law begun not later than one (1) year after the deposit of such security, or within one (1) year after the date of deposit of any security following failure to make payments under an agreement to pay.

(b) Every distribution of funds from the security deposits shall be subject to the limits of the amounts required under this subchapter.

**History.** Acts 1953, No. 347, § 40; A.S.A. 1947, § 75-1440; Acts 1993, No. 912, § 6.

### **27-19-618. Return of deposit.**

(a) Upon the expiration of one (1) year from the date of any deposit of security, any security remaining on deposit shall be returned to the person who made the deposit, or to his or her personal representative, if an affidavit or other evidence satisfactory to the Office of Driver Services has been filed with it that:

(1) No action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made; and

(2) There does not exist any unpaid judgment rendered against any person in such an action.

(b) Subsection (a) of this section shall not be construed to limit the return of any deposit of security under any other provision of this subchapter authorizing the return.



**History.** Acts 1953, No. 347, § 41;  
A.S.A. 1947, § 75-1441.

### **27-19-619. Forfeiture when not claimed within certain period.**

(a)(1) Whenever any person shall be required to deposit security for the payment of damages arising out of a motor vehicle accident as described in this chapter and the requirement for the depositing of the security is terminated, the Office of Driver Services shall, by ordinary mail at his or her last known address, notify the person within ninety (90) days that he or she may claim the deposit.

(2)(A) If the person fails to claim the deposit within five (5) years from the date of the termination of the requirement for the deposit of such security, then the amount so deposited shall be forfeited to the State of Arkansas.

(B) Any and all amounts forfeited shall be deposited into the State Treasury to the credit of the General Revenue Fund Account of the State Apportionment Fund.

(3) Not less than ninety (90) days before the expiration of the five-year period, the office shall notify the owner of the deposit by certified or registered mail at his or her last known address that unless he or she claims the deposit within ninety (90) days, it shall be forfeited to the state.

(b) If any person whose deposit of security is forfeited pursuant to this section makes request therefor and furnishes to the office satisfactory proof that he or she was an active member of the armed services of the United States at the time of the forfeiture, the office shall by memorandum so notify the Auditor of State, and the amount of the forfeited deposit shall be paid to the depositor upon voucher and warrant drawn upon and payable from any funds appropriated for miscellaneous tax refunds.

**History.** Acts 1969, No. 296, § 1; 1975,  
No. 1007, § 9; A.S.A. 1947, § 75-1441.1.

### **27-19-620. Corrective administrative action.**

(a) Whenever the Office of Driver Services has taken any action or has failed to take any action under this subchapter by reason of having received erroneous information or by reason of having received insufficient information, then correcting information may be submitted within one (1) year of the accident, if an accident report has been filed, whereupon the office shall take appropriate action to carry out the purposes and effect of this chapter.

(b) Subsection (a) of this section shall not, however, be deemed to require the office to either redetermine the amount of any deposit required under this subchapter or to act upon any accident report not filed pursuant to §§ 27-19-501 and 27-19-509.

**History.** Acts 1953, No. 347, § 38; 1975, No. 1007, § 7; A.S.A. 1947, § 75-1438; Acts 1993, No. 912, § 7.

### 27-19-621. Matters not to be evidence in civil actions.

The report required following an accident, the action taken by the Office of Driver Services pursuant to this chapter, the findings, if any, of the office upon which such action is based, and the security filed as provided in this chapter shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any civil action to recover damages.

**History.** Acts 1953, No. 347, § 42; 1975, No. 1007, § 10; A.S.A. 1947, § 75-1442.

### CASE NOTES

#### Actions for Non-Compliance.

Operator of a motor vehicle, not the owner of a motor vehicle, was the person responsible for reporting an accident and for filing proof of insurance, and the operator could be liable for penalties for his failure to do so; any action taken by an enforcement agency against an operator

for non-compliance could not be used in a subsequent civil proceeding. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**Cited:** *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004); *Kelley v. USAA Cas. Ins. Co.*, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 572 (Nov. 1, 2007).

## SUBCHAPTER 7 — PROOF OF FUTURE FINANCIAL RESPONSIBILITY

#### SECTION.

- 27-19-701. Definitions.
- 27-19-702. Applicability.
- 27-19-703. Suspension or revocation of license for conviction or bail forfeiture — Exceptions.
- 27-19-704. Action as to unlicensed person.
- 27-19-705. Action as to nonresidents.
- 27-19-706. Courts to report nonpayment of judgments.
- 27-19-707. Suspension for nonpayment of judgments — Exceptions.
- 27-19-708. Effect of discharge in bankruptcy.
- 27-19-709. Payments sufficient to satisfy judgments.

#### SECTION.

- 27-19-710. Payment in installments.
- 27-19-711. Proof to be furnished for each vehicle.
- 27-19-712. Certificate of insurance as proof.
- 27-19-713. Motor vehicle liability policy.
- 27-19-714. [Repealed.]
- 27-19-715. Other policies not affected.
- 27-19-716. [Repealed.]
- 27-19-717. Money or security as proof.
- 27-19-718. Owner may give proof for others.
- 27-19-719. Substitution of proof.
- 27-19-720. Other proof may be required.
- 27-19-721. Cancellation, return, or waiver of proof.

**Effective Dates.** Acts 1973, No. 585, § 7: Apr. 3, 1973. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws of this State relative to the reporting

of accidents, the deposit of security, report of judgments by courts, the revocation and suspension of motor vehicle operator and chauffeur licenses and vehicle licenses under the Motor Vehicle Safety Responsibil-

ity Law are inadequate to assure the proper and efficient enforcement and administration of the Motor Vehicle Safety Responsibility Law and that it is essential to public safety on the highways of this State that these laws be clarified immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1975, No. 1007, § 15: Apr. 22, 1975. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws of this State relative to the reporting of accidents, the deposit of security, report of judgments, the suspension of driver's licenses and motor vehicle license under the Motor Vehicle Safety Responsibility Law are inadequate to assure the proper and efficient enforcement and administration of the Motor Vehicle Safety Responsibility Law and that it is essential to public safety on the highways of this State that these laws be clarified immediately. Therefore an emergency is hereby de-

clared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 2005, No. 506, § 54: Mar. 2, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the laws of this state as to insurance regulation and the Governmental Bonding Board, among others, are inadequate for the protection of the public, and the immediate passage of this act is necessary in order to provide for the adequate protection of the public. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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## 27-19-701. Definitions.

As used in this subchapter:

(1) "Judgment" means any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for damages;

(2)(A) "Proof of financial responsibility for the future" means proof of ability to respond in damages for liability, on account of accidents occurring subsequently to the effective date of said proof, arising out of the ownership, maintenance, or use of a vehicle of a type subject to registration under the laws of this state, in the amount of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one (1) person, in the amount of fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1)



accident, and in the amount of twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident.

(B) Wherever used in this subchapter, the terms “proof of financial responsibility” or “proof” shall be synonymous with the term “proof of financial responsibility for the future”; and

(3) “State” means any state, territory, or possession of the United States, the District of Columbia, or any province or territory of Canada.

**History.** Acts 1953, No. 347, §§ 44, 45; A.S.A. 1947, §§ 75-1444, 75-1445; Acts 1959, No. 307, § 19; 1981, No. 478, § 2; 1999, No. 1527, § 3.

### CASE NOTES

**Cited:** *Smith v. Shelter Mut. Ins. Co.*, 327 Ark. 208, 937 S.W.2d 180 (1997).

### 27-19-702. Applicability.

The provisions of this subchapter requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws or who have failed to pay judgments upon causes of action arising out of ownership, maintenance, or use of vehicles of a type subject to registration under the laws of this state.

**History.** Acts 1953, No. 347, § 43; A.S.A. 1947, § 75-1443.

### CASE NOTES

#### ANALYSIS

In General.  
Applicability.

#### In General.

This chapter does not provide for universal applicability throughout the state, as proof of financial responsibility for the future is required only of those drivers who come within the provisions of this section. *Robey v. Safeco Ins. Co. of Am.*, 270 F. Supp. 473 (W.D. Ark. 1967), *aff'd*, 399 F.2d 330 (8th Cir. 1968), *questioned*,

*Boehler v. Insurance Co. of N. Am.*, 290 F. Supp. 867 (E.D. Ark. 1968).

#### Applicability.

This section has no application to an insurance policy that has not been used as proof of financial responsibility in the future. *Smith v. Shelter Mut. Ins. Co.*, 327 Ark. 208, 937 S.W.2d 180 (1997).

**Cited:** *Cousins v. Dennis*, 298 Ark. 310, 767 S.W.2d 296 (1989); *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

### 27-19-703. Suspension or revocation of license for conviction or bail forfeiture — Exceptions.

(a) Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction or a forfeiture of bail,

the Office of Driver Services shall suspend the registration of all vehicles registered in the name of the person as owner, except that:

(1) If the owner has previously given or shall immediately give and thereafter maintains proof of financial responsibility for the future with respect to all vehicles registered by the person as the owner, the office shall not suspend the registration unless otherwise required by law; or

(2) If a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, this state, or any political subdivision of this state, or a municipality thereof, the office shall suspend or revoke the license only with respect to the operation of vehicles not so owned or leased and shall not suspend the registration of any vehicle so owned or leased.

(b) The suspension or revocation required in subsection (a) of this section shall remain in effect and the office shall not issue to the person any new or renewal of license or register or reregister in the name of the person as owner any vehicle until permitted under the motor vehicle laws of this state, and not then unless and until the person shall give and thereafter maintain proof of financial responsibility for the future.

**History.** Acts 1953, No. 347, §§ 46, 47;  
A.S.A. 1947, §§ 75-1446, 75-1447.

#### **27-19-704. Action as to unlicensed person.**

If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license or for driving a motor vehicle upon the highways without being licensed to do so or for driving an unregistered vehicle upon the highways, no license shall be thereafter issued to the person and no vehicle shall continue to be registered or thereafter be registered in the name of the person as owner unless he or she shall give and thereafter maintain proof of financial responsibility for the future.

**History.** Acts 1953, No. 347, § 48;  
A.S.A. 1947, § 75-1448.

#### **27-19-705. Action as to nonresidents.**

(a) Whenever the Office of Driver Services suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, the privilege shall remain so suspended or revoked unless the person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

(b) If the defendant named in any certified copy of a judgment reported to the office is a nonresident, the office shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident.

**History.** Acts 1953, No. 347, §§ 49, 51; A.S.A. 1947, §§ 75-1449, 75-1451.

### **27-19-706. Courts to report nonpayment of judgments.**

(a) Whenever any person fails within thirty (30) days to satisfy any judgment in excess of one thousand dollars (\$1,000), then, upon the written request of the judgment creditor or his or her attorney, it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which the judgment is rendered within this state to forward to the Office of Driver Services a certified copy of the judgment.

(b) The certified copy shall contain information sufficient for the office to determine if the judgment shall apply to this subchapter.

**History.** Acts 1953, No. 347, § 50; 1973, No. 585, § 4; 1975, No. 1007, § 11; A.S.A. 1947, § 75-1450; Acts 1991, No. 721, § 3; 2007, No. 673, § 1. in (a), substituted “one thousand dollars (\$1,000)” for “five hundred dollars (\$500),” inserted “or her” and substituted “Office of Driver Services” for “office.”

**Amendments.** The 2007 amendment,

### **CASE NOTES**

**Cited:** Larey v. Morris, 245 Ark. 453, 432 S.W.2d 861 (1968).

### **27-19-707. Suspension for nonpayment of judgments — Exceptions.**

(a) The Office of Driver Services, upon receipt of a certified copy of a judgment and a certificate of facts relative to the judgment, on a form provided by the office, shall forthwith suspend the license and registration, and any nonresident's operating privilege, of any person against whom the judgment was rendered, except as otherwise provided in this subchapter.

(b) The provisions of subsection (a) of this section shall not apply with respect to any judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state, or any political subdivision of this state, or a municipality thereof.

(c) If the judgment creditor consents in writing, in such form as the office may prescribe, that the judgment debtor be allowed license and registration or nonresident's operating privilege, the same may be allowed by the office, in its discretion, for six (6) months from the date of consent and thereafter until consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installments thereof prescribed in § 27-19-710, provided the judgment debtor furnishes proof of financial responsibility.

(d)(1) No license, registration, or nonresident's operating privilege of any person shall be suspended under the provisions of this subchapter if the office shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the



amounts required in this chapter but has not paid the judgment for any reason.

(2) A finding by the office that an insurer is obligated to pay a judgment shall not be binding upon the insurer and shall have no legal effect whatever except for the purpose of administering this subsection.

(3) Whenever in any judicial proceedings it shall be determined by any final judgment, decree, or order that an insurer is not obligated to pay the judgment, the office, notwithstanding any contrary finding made by it, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom the judgment was rendered, as provided in this section.

(e)(1) The license, registration, and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any license or registration be thereafter issued in the name of the person, including any person not previously licensed, unless and until every judgment is stayed, satisfied in full, or to the extent provided and until the person gives proof of financial responsibility subject to the exemptions stated in this section.

(2) Upon the expiration of ten (10) years following the date judgment is rendered, and provided no proof of renewal of judgment has been filed with the office, the office shall reinstate the driving privilege and motor vehicle registration privilege of any person who will provide proof of financial responsibility for the future as required under any section of this subchapter.

**History.** Acts 1953, No. 347, §§ 52-56; 1973, No. 585, § 5; 1975, No. 1007, § 12; A.S.A. 1947, §§ 75-1452 — 75-1456.

## CASE NOTES

### ANALYSIS

Insolvency of Insurer.  
Legal Obligation.

#### Insolvency of Insurer.

Where motorist, within 10 days after accident, filed a certificate of insurance with the Commissioner of Motor Vehicles, the commissioner, upon judgment being rendered against the motorist, could not suspend the license and registration of the

motorist because the subsequent bankruptcy of the motorist's insurer rendered the judgment uncollectible. *Larey v. Morris*, 245 Ark. 453, 432 S.W.2d 861 (1968).

#### Legal Obligation.

In subsection (d) of this section, the words "obligated to pay a judgment" mean legally obligated and have no reference to the solvency of the insurer. *Larey v. Morris*, 245 Ark. 453, 432 S.W.2d 861 (1968).

## 27-19-708. Effect of discharge in bankruptcy.

Upon receipt by the Office of Driver Services of proper notification from the bankruptcy court, a discharge in bankruptcy following the rendering of any judgment shall relieve the judgment debtor from any of the requirements of this subchapter.

**History.** Acts 1953, No. 347, § 57; 1975, No. 1007, § 13; A.S.A. 1947, § 75-1457.

### **27-19-709. Payments sufficient to satisfy judgments.**

(a) Judgments shall, for the purpose of this chapter only, be deemed satisfied when:

(1) Twenty-five thousand dollars (\$25,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of any one (1) accident;

(2) Subject to a limit of twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person, the sum of fifty thousand dollars (\$50,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident; or

(3) Twenty-five thousand dollars (\$25,000) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident.

(b) Payments made in settlements of any claims because of bodily injury, death, or property damage arising from the accident shall be credited in reduction of the amounts provided for in this section.

**History.** Acts 1953, No. 347, § 58; 1959, No. 307, § 20; 1981, No. 478, § 3; A.S.A. 1947, § 75-1458; Acts 1999, No. 1527, § 4.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

### **27-19-710. Payment in installments.**

(a) A judgment debtor, upon due notice to the judgment creditor, may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The Office of Driver Services shall not suspend a license, registration, or nonresident's operating privilege and shall restore any license, registration, or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains an order permitting the payment of such judgment in installments, and while the payment of any installments is not in default.

(c) In the event the judgment debtor fails to pay any installment as specified by the order, then, upon notice of default, the office shall forthwith suspend the license, registration, or nonresident's operating privilege of the judgment debtor until the judgment is satisfied, as provided in this chapter.

**History.** Acts 1953, No. 347, §§ 59, 60; A.S.A. 1947, §§ 75-1459, 75-1460.

### **27-19-711. Proof to be furnished for each vehicle.**

(a) No vehicle shall be, or continue to be, registered in the name of any person required to file proof of financial responsibility for the future unless proof shall be furnished for the vehicle.

(b) Proof of financial responsibility when required under this chapter, with respect to the vehicle or with respect to a person who is not the owner of the vehicle, may be given by filing:

- (1) A certificate of insurance as provided in § 27-19-712;
- (2) A bond as provided in § 27-19-716 [repealed]; or
- (3) A certificate of deposit of money or securities as provided in § 27-19-717; or
- (4) A certificate of self-insurance, as provided in § 27-19-107, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he or she will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to the self-insurer.

**History.** Acts 1953, No. 347, §§ 61, 62; A.S.A. 1947, §§ 75-1461, 75-1462.

ferred to in this section, was repealed by Acts 2005, No. 506, § 50.

**A.C.R.C. Notes.** Section 27-19-716, re-

### **CASE NOTES**

#### **In General.**

Owner of a motorcycle was not civilly liable to a car driver for injuries sustained by the car driver when the owner of the motorcycle allowed a third party operator

to drive the motorcycle, which was not insured. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**Cited:** *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

### **27-19-712. Certificate of insurance as proof.**

(a)(1) Proof of financial responsibility for the future may be furnished by filing with the Office of Driver Services the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility.

(2) The certificate shall give the effective date of the motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b)(1) A nonresident may give proof of financial responsibility by filing with the office a written certificate of an insurance carrier authorized to transact business in the state in which the vehicle owned by the nonresident is registered, or in the state in which the nonresi-



dent resides, if he does not own a vehicle, provided the certificate otherwise conforms with the provisions of this subchapter.

(2) The office shall accept the certificate upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified:

(A) The insurance carrier shall execute a power of attorney authorizing the Director of the Department of Finance and Administration to accept on its behalf service of notice or process in any action arising out of a motor vehicle accident in this state; and

(B) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued therein.

(c) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any such undertakings or agreements, the office shall not thereafter accept as proof any certificate of the carrier, whether theretofore filed or thereafter tendered, as proof, so long as the default continues.

**History.** Acts 1953, No. 347, §§ 63-65;  
A.S.A. 1947, §§ 75-1463 — 75-1465.

### **27-19-713. Motor vehicle liability policy.**

(a) **CERTIFICATION.** As used in this chapter, “motor vehicle liability policy” means an “owner’s policy” or an “operator’s policy” of liability insurance, certified as provided in § 27-19-712 as proof of financial responsibility for the future, and issued, except as otherwise provided in § 27-19-712 by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(b) **OWNER’S POLICY.** The owner’s policy of liability insurance shall:

(1) Designate by explicit description or by appropriate reference all vehicles with respect to which coverage is to be granted; and

(2) Insure the person named therein and any other person, as insured, using any vehicle or vehicles with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the vehicle or vehicles within the United States or Canada, subject to limits exclusive of interest and costs, with respect to each vehicle, as follows: twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person; fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident.

(c) **OPERATOR’S POLICY.** The operator’s policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him or her by law for damages arising out of the

use by him or her of any motor vehicle not owned by him or her, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) **REQUIRED STATEMENTS IN POLICIES.** The motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this subchapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this subchapter.

(e) **POLICY NEED NOT INSURE WORKERS' COMPENSATION, ETC.** The motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(f) **PROVISIONS INCORPORATED IN POLICY.** Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by the motor vehicle liability policy occurs; the policy may not be cancelled or annulled as to the liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf, and no violation of the policy, shall defeat or void the policy;

(2) The satisfaction by the insured of a judgment for the injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage;

(3) The insurance carrier shall have the right to settle any claim covered by the policy, and if the settlement is made in good faith, the amount shall be deductible from the limits of liability specified in subdivision (b)(2) of this section; and

(4) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this subchapter shall constitute the entire contract between the parties.

(g) **EXCESS OR ADDITIONAL COVERAGE.** Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and this excess or additional coverage shall not be subject to the provisions of this subchapter. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.



(h) **REIMBURSEMENT PROVISION PERMITTED.** Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this subchapter.

(i) **PRORATION OF INSURANCE PERMITTED.** Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) **MULTIPLE POLICIES.** The requirements for a motor vehicle liability policy may be fulfilled by the policies of one (1) or more insurance carriers which policies together meet these requirements.

(k) **BINDERS.** Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for a policy.

(l)(1) **EXTENSION OF COVERAGE.** Every motor vehicle liability insurance policy, every motor vehicle physical damage insurance policy, every motor vehicle uninsured and underinsured motorist insurance policy, and every motor vehicle insurance policy covering death or bodily injury insuring a motor vehicle licensed in this state or the occupants of the motor vehicle shall extend its liability, physical damage, uninsured and underinsured motorist, and death or bodily injury coverages to include any other motor vehicle, operated by the insured individual, and its occupants if the other motor vehicle is:

(A) Loaned by a duly licensed automobile dealer as a temporary substitute, with or without compensation, to the insured individual for use as a temporary substitute vehicle while the insured's vehicle is out of use because of breakdown, repair, or servicing;

(B) Loaned by a duly licensed automobile dealer for use as a demonstrator vehicle; or

(C) Rented or leased from a rental company as defined in § 23-64-202 (d)(2)(C).

(2) The extensions of liability, physical damage, uninsured and underinsured motorist, and death or bodily injury coverages under this subsection are primary to any insurance or self-insurance maintained by the duly licensed automobile dealer or rental company.

**History.** Acts 1953, No. 347, § 66; 1959, No. 307, § 21; 1981, No. 478, § 4; A.S.A. 1947, § 75-1466; Acts 1989, No. 896, § 1; 1991, No. 394, § 1; 1993, No. 1252, § 1; 1999, No. 1527, § 5; 2007, No. 373, § 2.

**Amendments.** The 2007 amendment added (l)(1), (l)(1)(A), (l)(1)(B) and (l)(2) designations and made punctuation and stylistic changes; added (l)(1)(C); and in (l)(2), substituted "The" for "Provided,

however, coverage shall extend to such loaned or demonstrator vehicle only to the extent of the coverage provided, if any, to the automobile being repaired or serviced. Such" and added "to any insurance or self-insurance maintained by the duly licensed automobile dealer or rental company."

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.



## RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Survey — Insurance, 11 U. Ark. Little Rock L.J. 231.  
**Legislative Survey — Insurance**, 16 U. Ark. Little Rock L.J. 141.

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None for the Road: Addressing the Problem of Uninsured Vehicles and Drivers in Arkansas, 21 U. Ark. Little Rock L. Rev. 167.

## CASE NOTES

## ANALYSIS

Applicability.

Exclusionary Clauses.

Governmental Tort Immunity.

Permission to Use Vehicles.

Restrictive Indorsements.

**Applicability.**

Where pleadings failed to indicate that insurance policy had been used as proof of financial responsibility at time of happening of automobile accident, Arkansas Financial Responsibility Law had no applicability whatever to the insurance policy. *Aetna Cas. & Sur. Co. v. Simpson*, 228 Ark. 157, 306 S.W.2d 117 (1957).

This subchapter, and particularly subdivision (f)(1) of this section, has no applicability to an insurance policy where the pleadings fail to indicate that the policy in question had been used as proof of financial responsibility. *Ramey v. State Farm Mut. Auto. Ins. Co.*, 54 Ark. App. 307, 924 S.W.2d 835 (1996).

**Exclusionary Clauses.**

An exclusionary clause, excluding coverage of bodily injury to the insured and members of his family and household, in a policy not used as proof of financial responsibility in the future did not violate this section. *State Farm Mut. Auto. Ins. Co. v. Cartmel*, 250 Ark. 77, 463 S.W.2d 648 (1971).

**Governmental Tort Immunity.**

Regardless of statutory governmental tort immunity, city which failed to purchase liability insurance as required by statute was responsible as self-insurer for injuries resulting from negligent operation of its vehicles up to amount equivalent to required policy limits stated in this section. *Sturdivant v. Farmington*, 255 Ark. 415, 500 S.W.2d 769 (1973).

Because there were two emergency vehicles involved in the accident, and each

officer was found five percent at fault, the city, as a joint tortfeasor, would be jointly and severally liable in the amount of \$25,000.00 for each of the city's vehicles, therefore, defendant should recover \$50,000.00 against the city, and the trial court erred in ruling otherwise. *City of Caddo Valley v. George*, 340 Ark. 203, 9 S.W.3d 481 (2000).

**Permission to Use Vehicles.**

The provision in subsection (b) of this section that an owner's policy of liability insurance "shall insure the person named therein and any other person, as insured, using any vehicle or vehicles with the express or implied permission of such named insured" did not have the effect of extending liability policy to a person driving insured's automobile with the permission of insured's son where insured had forbidden son to allow anyone else to drive the automobile and where automobile was not being driven for the benefit of the son. *Dodson v. Sisco*, 134 F. Supp. 313 (W.D. Ark. 1955), criticized, *Gillen v. Globe Indem. Co.*, 377 F.2d 328 (8th Cir. 1967).

If permission to use automobile is initially given, recovery under automobile liability insurance policy may be had under subsection (b) of this section regardless of the manner in which the automobile is thereafter used. Thus the extent of route deviation by borrower in the driving of another's vehicle was immaterial with respect to coverage of automobile liability insurance policy. *Commercial Union Ins. Co. v. Johnson*, 294 Ark. 444, 745 S.W.2d 589 (1988).

**Restrictive Indorsements.**

When a statute provides for certain mandatory provisions in a policy of insurance, a restrictive indorsement rider diametrically opposed to such requirements has no effect. *General Am. Cas. Co. v. Austin*, 125 F. Supp. 721 (E.D. Ark. 1954).

**Cited:** *Thompson v. Sanford*, 281 Ark. 365, 663 S.W.2d 932 (1984); *Helms v.*

Southern Farm Bureau Cas. Ins. Co., 281 Ark. 450, 664 S.W.2d 870 (1984); Cousins v. Dennis, 298 Ark. 310, 767 S.W.2d 296 (1989); Liberty Mut. Ins. Co. v. Thomas,

58 Ark. App. 289, 951 S.W.2d 564 (1997); Spears v. City of Fordyce, 351 Ark. 305, 92 S.W.3d 38 (2002).

### **27-19-714. [Repealed.]**

**Publisher's Notes.** This section, concerning cancellation or termination of a certified policy, was repealed by Acts 2003,

No. 333, § 2. The section was derived from Acts 1953, No. 347, § 67; A.S.A. 1947, § 75-1467.

### **27-19-715. Other policies not affected.**

(a) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may be required by any other law of this state, and these policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(b) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his or her behalf of vehicles not owned by the insured.

**History.** Acts 1953, No. 347, § 68; A.S.A. 1947, § 75-1468.

### **27-19-716. [Repealed.]**

**Publisher's Notes.** This section, concerning bond as proof, was repealed by Acts 2005, No. 506, § 50. The section was

derived from Acts 1953, No. 347, §§ 69-71; A.S.A. 1947, §§ 75-1469 — 75-1471.

### **27-19-717. Money or security as proof.**

(a)(1) Proof of financial responsibility may be evidenced by the certificate of the Director of the Department of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles after filing with the Office of Driver Services evidence that the person named therein has deposited with him or her seventy-five thousand dollars (\$75,000) in cash or securities other than surety bonds that may be legally purchased by savings banks or for trust funds of a market value of seventy-five thousand dollars (\$75,000).

(2) The director shall not accept any such deposit and issue a certificate therefor and the office shall not accept the certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b)(1) The deposit shall be held by the director to satisfy, in accordance with the provisions of this subchapter, any execution on a judgment issued against the person making the deposit, for damages, including damages for care and loss of services because of bodily injury to or death of any person or for damages because of injury to or



destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a vehicle of a type subject to registration under the laws of this state after the deposit was made.

(2) Money or securities so deposited shall not be subject to attachment or execution unless the attachment or execution shall arise out of a suit for damages as indicated.

**History.** Acts 1953, No. 347, §§ 72, 73; 1959, No. 307, § 22; 1983, No. 888, § 1; A.S.A. 1947, §§ 75-1472, 75-1473; Acts 2003, No. 333, § 3; 2005, No. 506, § 51.

**Amendments.** The 2005 amendment, in (a)(1), substituted "Director of the Department ... Services evidence" for "Insur-

ance Commissioner" and "securities other than surety bonds that" for "securities such as"; and substituted "director" for "commissioner" in (a)(2) and (b)(1).

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

### **27-19-718. Owner may give proof for others.**

(a) The owner of a motor vehicle may give proof of financial responsibility on behalf of his or her employee or a member of his or her immediate family or household in lieu of the furnishing of proof by any person.

(b) The furnishing of proof shall permit the person to operate only a motor vehicle covered by such proof.

(c) The Office of Driver Services shall endorse appropriate restrictions on the face of the license held by the person or may issue a new license containing the restrictions.

**History.** Acts 1953, No. 347, § 74; A.S.A. 1947, § 75-1474.

### **27-19-719. Substitution of proof.**

The Office of Driver Services shall consent to the cancellation of any bond or certificate of insurance or the office shall direct to be returned, and the Director of the Department of Finance and Administration acting in his or her capacity as the Commissioner of Motor Vehicles shall return, any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility under this chapter.

**History.** Acts 1953, No. 347, § 75; A.S.A. 1947, § 75-1475; Acts 2005, No. 506, § 52.

**Amendments.** The 2005 amendment substituted "Office of Driver Services" for "office," "Director of the Department of

Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles" for "Insurance Commissioner" and "under this chapter" for "pursuant to this chapter."

### **27-19-720. Other proof may be required.**

Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required,



the Office of Driver Services shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration pending the filing of other proof.

**History.** Acts 1953, No. 347, § 76;  
A.S.A. 1947, § 75-1476.

### **27-19-721. Cancellation, return, or waiver of proof.**

(a) The Office of Driver Services shall, upon request, consent to the immediate cancellation of any bond or certificate of insurance, or the office shall direct to be returned, and the Director of the Department of Finance and Administration acting in his or her capacity as the Commissioner of Motor Vehicles shall return, to the person entitled thereto any money or securities deposited under this subchapter as proof of financial responsibility, or the office shall waive the requirement of filing proof, in any of the following events:

(1) At any time after three (3) years from the date the proof was required when, during the three-year period preceding the request, the office has not received a record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or registration of the person by or for whom the proof was furnished;

(2) In the event of the death of the person on whose behalf the proof was filed or the permanent incapacity of the person to operate a motor vehicle; or

(3) In the event that the person who has given proof surrenders his or her license and registration to the office.

(b)(1) The office shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by the proof is then pending or any judgment upon any liability is then unsatisfied, or in the event the person who has filed the bond or deposited money or securities has within one (1) year immediately preceding the request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others.

(2) An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability or has been finally adjudicated not to be liable for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the office.

**History.** Acts 1953, No. 347, § 77;  
A.S.A. 1947, § 75-1477; Acts 2003, No. 333, § 4; 2005, No. 506, § 53.

**Amendments.** The 2005 amendment, in (a), substituted "Office of Driver Services" for "office," "Director of the Depart-

ment of Finance and Administration acting in his or her capacity as Commissioner of Motor Vehicles" for "Insurance Commissioner" and "under this subchapter" for "pursuant to this subchapter"; and deleted "or" at the end of (a)(1).

## CHAPTER 20

### OPERATION OF MOTORIZED CYCLES AND ALL-TERRAIN VEHICLES

#### SUBCHAPTER.

1. MOTORCYCLES, MOTOR-DRIVEN CYCLES, AND MOTORIZED BICYCLES.
2. THREE-WHEELED, FOUR-WHEELED, AND SIX-WHEELED ALL-TERRAIN VEHICLES.

#### RESEARCH REFERENCES

**Am. Jur.** 7A *Am. Jur. 2d, Auto.*, §§ 249, 250.

#### SUBCHAPTER 1 — MOTORCYCLES, MOTOR-DRIVEN CYCLES, AND MOTORIZED BICYCLES

##### SECTION.

- 27-20-101. Definitions.
- 27-20-102. Penalty.
- 27-20-103. Prohibited sales to persons under age.
- 27-20-104. Standard equipment required.
- 27-20-105. Registration — Renewal periods.
- 27-20-106. Operator's license required — Special license.
- 27-20-107. Application for and issuance of motorcycle operator's license.
- 27-20-108. Operator's examination.
- 27-20-109. Operator instruction.

##### SECTION.

- 27-20-110. Manner of riding.
- 27-20-111. Operation of motorized bicycles regulated — Certificate.
- 27-20-112. Report of convictions required.
- 27-20-113. Suspension of license.
- 27-20-114. Rules and regulations.
- 27-20-115. Local regulations.
- 27-20-116. Exemptions.
- 27-20-117. Automatic issuance of operator's license.
- 27-20-118. Restrictions on young children.

**A.C.R.C. Notes.** References to "this subchapter" in §§ 27-20-101 — 27-20-116 may not apply to §§ 27-20-117 and 27-20-118 which were enacted subsequently.

**Effective Dates.** Acts 1959, No. 201, § 11: July 1, 1959.

Acts 1977, No. 797, § 2: Jan. 1, 1978.

Acts 1985, No. 972, § 7: July 1, 1985.  
Emergency clause provided: "It is hereby found and determined by the General Assembly that this Act should go into effect on July 1, 1985, and that unless this emergency clause is adopted the Act will not go into effect until after that date. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public

peace, health and safety shall be in full force and effect from and after July 1, 1985."

Acts 1987, No. 1019, § 6: Apr. 14, 1987.  
Emergency clause provided: "It is hereby found and determined by the General Assembly that because of the case *Ricarte v. State*, CR 86-31, a question has arisen over the validity of Act 1236 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and

safety, shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 193, § 12: July 1, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh Arkansas General Assembly that Arkansas does not currently have any specific standards for testing the eyesight of motor vehicle and motorcycle operators; that after the initial eyesight test of an applicant for a motor vehicle or motorcycle operator's license, Arkansas does not require on renewal of the license any subsequent examination of any driver's eyesight; and therefore all drivers on the public streets and highways are endangered since many drivers with less than adequate visual acuity are able to receive or renew their motor vehicle or motorcycle operator's license. Further, it is found and determined that Arkansas driver's licenses can be renewed for a two year period or for a four year period; that this dual option for renewal of driver's licenses requires an excessive amount of administrative resources and therefore the renewal period for Arkansas driver's licenses should be limited to a single four year period for all drivers. In order to prevent any further endangerment of the driving public and to reduce the administrative cost of issuing driver's licenses, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force from and after July 1, 1989."

Acts 1989, No. 250, § 4: June 1, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that present laws inadequately regulate the registration of motorcycles and motor-driven cycles; that in order to prevent the loss of revenue to the State of Arkansas an extended registration period is necessary and should be given effect immediately. Therefore, an emergency is declared to exist. This Act, being necessary to the orderly administration of the law, to prevent loss of revenue, and to protect the public welfare, shall be in full force and effect on and after June 1, 1989."

Acts 1993, No. 135, § 2: effective for renewal of motorcycle and motordriven

cycle registrations expiring on June 30, 1994.

Acts 1993, No. 445, § 37: §§ 1-36 effective on and after Jan. 1, 1994.

Acts 1993, No. 445, § 46: Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term 'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 1257, § 11: Apr. 20, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly that federal mandates require the loss of federal highway funds without implementation of a system of suspending the driving privileges of persons holding such privileges granted by this State and found guilty of certain drug offenses, whether such finding occurred in this state or out-of-state, and that additional enforcement provisions are urgently needed to deter persons illegally using or dealing in drugs; that this Act will provide that additional enforcement mechanism; and that this Act should go into effect immediately in order to meet the requirements of the federal law and to grant law enforcement officers and courts greater flexibility in dealing with the illegal use and sale of drugs. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."



## 27-20-101. Definitions.

As used in this subchapter:

(1) "Motorcycle" means every motor vehicle having a seat or saddle for use of the rider and designed to travel on no more than three (3) wheels in contact with the ground and having a motor which displaces more than two hundred fifty cubic centimeters (250 cc);

(2) "Motor-driven cycle" means every motor vehicle having a seat or saddle for use of the rider and designed to travel on no more than three (3) wheels in contact with the ground and having a motor which displaces two hundred fifty cubic centimeters (250 cc) or less, but this definition shall not include a motorized bicycle;

(3) "Motorized bicycle" means every bicycle with an automatic transmission and a motor which does not displace in excess of fifty cubic centimeters (50 cc); and

(4) "Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

**History.** Acts 1959, No. 201, § 1; 1975, No. 206, § 1; 1977, No. 561, § 1; 1985, No. 972, § 1; A.S.A. 1947, § 75-1701; Acts 2005, No. 1942, § 1.

**Amendments.** The 2005 amendment added (4).

## CASE NOTES

### ANALYSIS

Motorcycles.

Motor-Driven Cycle.

### Motorcycles.

A motorcycle is a "motor vehicle" as that term is defined in automobile insurance policies, since, under Arkansas law, a motorcycle is considered a motor vehicle. *Carner v. Farmers Ins. Co.*, 3 Ark. App. 201, 623 S.W.2d 859 (1981).

### Motor-Driven Cycle.

A Trail 70 vehicle with a 70 cc engine is a motor vehicle, specifically, a motor-driven cycle, and, when used upon public streets, is subject to Arkansas's registration and licensing laws. *Nationwide Mut. Ins. Co. v. Worthey*, 314 Ark. 185, 861 S.W.2d 307 (1993).

## 27-20-102. Penalty.

Any person violating the provisions of this subchapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) or imprisoned not more than thirty (30) days, or shall be both fined and imprisoned.

**History.** Acts 1959, No. 201, § 9; A.S.A. 1947, § 75-1709.

**27-20-103. Prohibited sales to persons under age.**

(a) It shall be unlawful for any person, firm, or corporation to sell to any person in this state under the age of sixteen (16) years any motor-driven cycle having less than two hundred fifty cubic centimeter (250 cc) displacement unless the person has a current valid license to operate the motor-driven cycle as authorized in this subchapter.

(b) It shall be unlawful for any person to sell or to offer for sale to any person in this state under sixteen (16) years of age any motorcycle or any motor-driven cycle having in excess of two hundred fifty cubic centimeter (250 cc) displacement.

**History.** Acts 1959, No. 201, § 7; 1975, No. 206, § 4; A.S.A. 1947, § 75-1707.

**27-20-104. Standard equipment required.**

(a) After July 5, 1977, all motor-driven cycles and all motorcycles used upon the public streets and highways of this state shall be equipped with the following standard equipment:

(1) At least one (1), but not more than two (2), headlights which, in the dark, shall emit a white light visible from a distance of at least five hundred feet (500') in front;

(2) A red reflector on the rear, which shall be visible from a distance of three hundred feet (300') to the rear when directly in front of a lawful upper beam head lamp of a motor vehicle;

(3) A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear must be used in addition to the red reflector provided above;

(4) Good hand or foot brakes;

(5) A horn in good working order, but no bell, siren, or whistle shall be permitted;

(6) A standard muffler; and

(7) Handholds and support for the passenger's feet when designed to carry more than one (1) person, unless it is equipped with a sidecar.

(b) All passengers and operators of motorcycles, motor-driven cycles, and motorized bicycles used upon the public streets and highways of this state shall be equipped with the following equipment under standards set forth by the Office of Motor Vehicle:

(1) Protective headgear unless the person is twenty-one (21) years of age or older; and

(2) Protective glasses, goggles, or transparent face shields.

(c) The provisions of this section shall not apply to three-wheel motorcycles equipped with a cab and a windshield which do not exceed twenty horsepower (20 hp) when such motorcycles are used by municipal police departments.

(d) After July 5, 1977, all motorized bicycles used upon the public streets of this state shall be equipped with the following standard equipment:

(1) At least one (1), but not more than two (2), headlights which, in the dark, shall emit a white light visible from a distance of at least two hundred fifty feet (250') in front;

(2) A red reflector on the rear which shall be visible from a distance of one hundred fifty feet (150') to the rear when directly in front of a lawful upper beam head lamp of a motor vehicle;

(3) A lamp emitting a red light visible from a distance of two hundred fifty feet (250') to the rear must be used in addition to the red reflector provided above;

(4) Good hand or foot brakes;

(5) A horn in good working order, provided that no bell, siren, or whistle shall be permitted; and

(6) A standard muffler.

**History.** Acts 1959, No. 201, § 3; 1967, No. 296, § 1; 1973, No. 78, § 1; 1977, No. 561, § 2; 1985, No. 972, § 6; A.S.A. 1947, § 75-1703; Acts 1997, No. 453, § 1; 2005, No. 1762, § 2.

**Amendments.** The 2005 amendment substituted "motorcycles, motor-driven cycles, and motorized bicycles" for "motorcycles and motor-driven cycles" in (b).

**Cross References.** Brakes on motorcycles and motor-driven cycles, § 27-37-501.

Head lamps on motorcycles, § 27-36-209.

Horns, requirements, § 27-37-202.

Mufflers, requirement, § 27-37-601.

## CASE NOTES

### Constitutionality.

Since this section bears a reasonable, real, and substantial relation to the public health, safety, and welfare, it is constitutional as a valid exercise of the police power of the state. *Penney v. City of North*

*Little Rock*, 248 Ark. 1158, 455 S.W.2d 132 (1970).

**Cited:** *Nationwide Mut. Ins. Co. v. Worthey*, 314 Ark. 185, 861 S.W.2d 307 (1993).

## 27-20-105. Registration — Renewal periods.

(a) The Director of the Department of Finance and Administration shall establish a system for the registration of motorcycles and motor-driven cycles on a monthly series basis to distribute the work of registering motorcycles and motor-driven cycles as uniformly as practicable throughout the twelve (12) months of the calendar year.

(b) When a person applies for the registration of a motorcycle or motor-driven cycle and the issuance of a permanent license plate, the decals issued by the director for attachment to the permanent license plate to evidence the registration period shall be decals for the current month in which application is made for registration, regardless of the day of the month on which application is made.

(c) The director shall, upon request, assign to any owner of two (2) or more vehicles the same registration period.

(d) Such registration shall be valid for one (1) year from the date thereof and shall continue from year to year thereafter.



**History.** Acts 1977, No. 797, § 1; A.S.A. 1947, § 75-1715; Acts 1989, No. 250, § 1; 1993, No. 135, § 1.

**Publisher's Notes.** Acts 1993, No. 135, § 2, provided that: "The provisions of this act shall become effective for the renewal

of motorcycle and motor-driven cycle registrations expiring on June 30, 1994."

**Cross References.** Licensing of antique motorcycles, § 27-15-2301 et seq. Registration fee, § 27-14-601.

## RESEARCH REFERENCES

**Ark. L. Notes.** Laurence, Some Practical Advice on How to Perfect a Security

Interest in an All-Terrain Vehicle, 1996 Ark. L. Notes 59.

## CASE NOTES

**Cited:** Nationwide Mut. Ins. Co. v. Worthey, 314 Ark. 185, 861 S.W.2d 307 (1993).

### 27-20-106. Operator's license required — Special license.

(a) No person who is sixteen (16) years of age or older shall operate a motorcycle, motor-driven cycle, or similarly classified motor vehicle which is subject to registration in this state upon the public streets and highways of this state unless the person holds a current valid motorcycle operator's license.

(b)(1) It shall be unlawful for any person to operate a motorcycle or motor-driven cycle in this state unless the person has a current valid motorcycle operator's license. However, any person fourteen (14) years of age or older who is under the lawful age to obtain a motorcycle operator's license may operate a motor-driven cycle if that person has obtained a special license provided for in this section.

(2)(A) Any person fourteen (14) years of age, but under sixteen (16) years of age, may obtain a license to operate a motor-driven cycle if the motor of the motor-driven cycle displaces two hundred fifty cubic centimeters (250 cc) or less. This license shall expire upon the licensee's sixteenth birthday.

(B)(i) All such licenses shall be issued by the Office of Driver Services.

(ii)(a) Before any such license may be issued, the applicant shall furnish the office a copy of a certificate issued by the Department of Arkansas State Police showing that the applicant has taken and passed an examination given by the Department of Arkansas State Police to determine the applicant's eligibility for a license.

(b) The Department of Arkansas State Police shall prescribe a written examination and a road test examination which shall be satisfactorily completed by each applicant for a special license before any such license may be issued to the applicant by the office.

(iii)(a) The office shall charge a fee of two dollars (\$2.00) for each such special license issued.

(b) Proceeds from the fees charged for these special licenses shall be deposited into the State Treasury as special revenues and shall be credited to the Department of Arkansas State Police Fund.

**History.** Acts 1975, No. 176, § 1; 1975 (Extended Sess., 1976), No. 1236, § 1; 1985, No. 972, § 3; A.S.A. 1947, §§ 75-1709.1, 75-1710; reen Acts 1987, No. 1019, § 1.

**A.C.R.C. Notes.** Subsection (a) of this section was reenacted by Acts 1987, No.

1019, § 1. Acts 1987, No. 834, provided that 1987 legislation reenacting acts passed in the 1976 Extended Session should not repeal any other 1987 legislation and that such other legislation would be controlling in the event of conflict.

### **27-20-107. Application for and issuance of motorcycle operator's license.**

(a) Any person desiring to obtain a motorcycle operator's license shall make an application to the Office of Driver Services for the issuance of the license.

(b) Evidence that a person has applied for and satisfactorily qualified for a motorcycle operator's license as required in this section shall be a certificate issued by the Department of Arkansas State Police that the applicant for a motorcycle operator's license has satisfactorily passed all phases of the motorcycle operator's examination as required in § 27-20-108, if the applicant is sixteen (16) years of age or older.

(c) The license issued by the office may be a license limiting the named licensee to motorcycles, motor-driven cycles, or similarly classified motor vehicles; or, in the case where an applicant is sixteen (16) years of age or older and holds a current valid Class A, Class B, Class C, or Class D license, the office may endorse that license as evidence of proper qualification for the license as provided for by this subchapter.

(d)(1)(A) A motorcycle operator's license shall be issued for a period of four (4) years, and the fee for the license shall be the same as provided in § 27-16-801.

(B) The office shall have the authority, by regulation, to shorten or lengthen the term of any motorcycle operator's license period, as necessary, and to make a pro rata adjustment of the fee charged.

(2) No fee will be required if such application is submitted at the time the applicant's Class A, Class B, Class C, or Class D license is renewed and the applicant has complied with all other provisions of this subchapter.

**History.** Acts 1975, No. 176, § 2; 1975 (Extended Sess., 1976), No. 1236, § 2; 1985, No. 972, § 2; A.S.A. 1947, § 75-1711; reen. Acts 1987, No. 1019, § 2; Acts 1989, No. 193, § 8; 1993, No. 445, § 34.

**A.C.R.C. Notes.** This section was reenacted by Acts 1987, No. 1019, § 2. Acts 1987, No. 834, provided that 1987 legisla-

tion reenacting acts passed in the 1976 Extended Session should not repeal any other 1987 legislation and that such other legislation would be controlling in the event of conflict.

**Cross References.** Issuance of operator's licenses, § 27-16-801.

### 27-20-108. Operator's examination.

(a) The Department of Arkansas State Police shall prescribe an appropriate examination to be taken by a person who desires to obtain a motorcycle operator's license as required by this subchapter.

(b) The examination shall include:

(1) A written examination designed to determine the applicant's knowledge of traffic laws, ordinances, and regulations and other matters necessary to determine the applicant's knowledge of the operation of these motor vehicles;

(2) A vision test under standards established in § 27-16-704 to determine whether the applicant's eyesight is adequate to safely operate the vehicle;

(3) An actual road test designed to determine the applicant's familiarity with the controls of the motor vehicle and the applicant's ability to safely operate the motor vehicle both in and out of traffic. However, the road test shall be waived for applicants who have successfully completed the Motorcycle Safety Foundation's motorcycle rider course, Riding and Street Skills, or any successor curriculum. In order to qualify for this waiver, the applicant must submit proof of the course completion dated within ninety (90) days prior to the date of license application; and

(4) Such other tests as the Department of Arkansas State Police may deem necessary to assure safe operations on the streets and highways of this state.

**History.** Acts 1975, No. 176, § 3; 1975 (Extended Sess., 1976), No. 1236, § 3; 1985, No. 972, § 2; A.S.A. 1947, § 75-1712; reen. Acts 1987, No. 1019, § 3; Acts 1989, No. 193, § 9; 2001, No. 908, § 1.

**A.C.R.C. Notes.** This section was reenacted by Acts 1987, No. 1019, § 3. Acts

1987, No. 834, provided that 1987 legislation reenacting acts passed in the 1976 Extended Session should not repeal any other 1987 legislation and that such other legislation would be controlling in the event of conflict.

### 27-20-109. Operator instruction.

(a) The Department of Education is authorized to prescribe and offer a course in motorcycle and motor-driven cycle operator instruction to be conducted as a part of the driver education program.

(b)(1) The course in motorcycle and motor-driven cycle operation may be conducted both at the elementary and high school levels.

(2) The course should include classroom instruction, actual operation of a motorcycle or motor-driven cycle, and other matters that the department may determine to be necessary to properly equip the student to safely operate a motorcycle.

**History.** Acts 1975, No. 176, § 4; 1975 (Extended Sess., 1976), No. 1236, § 4; A.S.A. 1947, § 75-1713; reen. Acts 1987, No. 1019, § 4.

**A.C.R.C. Notes.** This section was reen-

acted by Acts 1987, No. 1019, § 4. Acts 1987, No. 834, provided that 1987 legislation reenacting acts passed in the 1976 Extended Session should not repeal any other 1987 legislation and that such other



legislation would be controlling in the event of conflict.

**Cross References.** Driver education program, § 27-18-101 et seq.

### **27-20-110. Manner of riding.**

It shall be unlawful for any person in the State of Arkansas:

(1) To ride any motor-driven cycle other than upon or astride a permanent or regular seat attached thereto;

(2) For any motor-driven cycle to be used to carry more than one (1) person unless it is equipped with a sidecar or an extra seat and supports for the passenger's feet;

(3) For more than two (2) persons to ride on any motor-driven cycle; and

(4) For any person under sixteen (16) years of age to carry another person as a passenger upon a motor-driven cycle or motorized bicycle.

**History.** Acts 1959, No. 201, § 2; 1975, No. 206, § 2; A.S.A. 1947, § 75-1702; Acts 2005, No. 1762, § 1.

**Amendments.** The 2005 amendment added "or motorized bicycle" in (4).

### **27-20-111. Operation of motorized bicycles regulated — Certificate.**

(a) The operators of motorized bicycles shall be subject to all state and local traffic laws, ordinances, and regulations.

(b) It shall be unlawful for any person to operate a motorized bicycle upon interstate highways, limited access highways, or sidewalks.

(c)(1)(A) It shall be unlawful for any person to operate a motorized bicycle upon a public street or highway within this state unless the person has a certificate to operate such a vehicle.

(B) Any person who has a motor-driven cycle license or motorcycle license or a Class A, Class B, Class C, or Class D license shall qualify to operate a motorized bicycle and is not required to obtain a certificate from the Department of Arkansas State Police for the operation of a motorized bicycle.

(2)(A)(i) All motorized bicycle certificates shall be issued by the department.

(ii) No certificate shall be issued to a person under ten (10) years of age.

(B) Prior to being issued a certificate to operate a motorized bicycle, the applicant shall take and pass an examination pertaining to the rules of the road, a vision test, and a road test.

(C)(i) The department shall charge a fee of two dollars (\$2.00) for each certificate issued.

(ii) The proceeds from these fees shall be deposited into the State Treasury as special revenues and credited to the Department of Arkansas State Police Fund.

**History.** Acts 1977, No. 561, § 3; 1985, 75-1714.1; Acts 1987, No. 410, § 1; 1993, No. 972, § 4; A.S.A. 1947, §§ 75-1714, No. 445, § 35.

**27-20-112. Report of convictions required.**

(a)(1) Every court in the State of Arkansas, immediately upon the conviction of any license holder under this subchapter, shall report to the Department of Arkansas State Police the fact of the conviction, the date of the conviction, the date of the offense, the ordinance or law violated, the penalty inflicted, and whether or not an appeal has been taken.

(2) In any case, where an appeal has been taken, the conviction shall not be charged against the license holder until the disposition of the case on appeal.

(b) The failure of the clerk of the court to report as provided in this section shall be construed as nonfeasance in office and shall be grounds for the removal of the clerk.

**History.** Acts 1959, No. 201, § 6; A.S.A. 1947, § 75-1706.

**27-20-113. Suspension of license.**

(a) Whenever the operator of any motorcycle, motor-driven cycle, or motorized bicycle in this state shall have been convicted of three (3) or more moving traffic violations in any twelve-month period, any license issued under this subchapter to that person shall be suspended for not less than six (6) months.

(b) Upon receipt of an order of denial of driving privileges under § 5-64-710 or § 5-65-116, the Department of Finance and Administration shall:

(1) Suspend any license issued the minor under this subchapter for twelve (12) months, or until the minor reaches eighteen (18) years of age, whichever is longer;

(2) In the event any license issued the minor under this subchapter is under suspension by the department for another offense or other violations, that license shall be suspended an additional twelve (12) months, or until the minor reaches eighteen (18) years of age, whichever is longer;

(3) If the minor has not been issued a license under this subchapter, the issuance of a license shall be delayed for an additional twelve (12) months after the minor applies for a license, or until the minor reaches eighteen (18) years of age, whichever is longer.

(c) Upon receipt of an order of denial of driving privileges under § 27-16-915, the department shall:

(1) Suspend any license issued the person under this subchapter for twelve (12) months;

(2) In the event any license issued the person under this subchapter is under suspension by the department for another offense or other violations, that license shall be suspended an additional twelve (12) months; or

(3) If the person has not been issued a license under this subchapter, the issuance of a license shall be delayed for an additional twelve (12) months after the person applies for such a license.

(d) Penalties prescribed in this section shall be in addition to all other penalties prescribed by law for offenses covered by this section.

**History.** Acts 1959, No. 201, § 5; A.S.A. 1947, § 75-1705; Acts 1993, No. 1257, § 5.

**A.C.R.C. Notes.** Acts 1993, No. 1257, § 7, provided: "The Director of the Department of Finance and Administration is authorized to enter into any agreements

or arrangements with other states and to take all action deemed necessary or proper, including the making and promulgation of rules and regulations, in order that the amendments contained in this Act may be effectuated."

### **27-20-114. Rules and regulations.**

The Department of Finance and Administration is authorized to adopt such rules and regulations and practices not inconsistent with this subchapter as it deems necessary or appropriate to carry out the purposes of this subchapter.

**History.** Acts 1977, No. 797, § 3; A.S.A. 1947, § 75-1716.

### **27-20-115. Local regulations.**

(a)(1) The provisions of this subchapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities.

(2) No local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this subchapter.

(b) Local authorities may adopt additional traffic regulations which are not in conflict with the provisions of this subchapter.

**History.** Acts 1959, No. 201, § 8; A.S.A. 1947, § 75-1708.

### **27-20-116. Exemptions.**

Persons who operate vehicles described in § 27-20-101, when operation of the vehicle shall be on a farm, private property, or specifically for moving to a farm, shall be exempt from the provisions of this subchapter.

**History.** Acts 1985, No. 972, § 5; A.S.A. 1947, § 75-1701.1.

### **27-20-117. Automatic issuance of operator's license.**

Notwithstanding any provision of this subchapter or any other laws to the contrary, when a person holding a valid motor-driven cycle operator's license reaches sixteen (16) years of age, he or she shall automatically be issued a motorcycle operator's license and shall not be required to submit to the examinations prescribed by § 27-20-108.



**History.** Acts 1991, No. 614, § 1.

**A.C.R.C. Notes.** References to “this subchapter” in §§ 27-20-101 — 27-20-116

may not apply to this section, which was enacted subsequently.

**27-20-118. Restrictions on young children.**

- (a) Except as provided under subsection (b) of this section, it is unlawful for the driver of a motorcycle to allow a child to ride as a passenger on a motorcycle on a street or highway unless the child is at least eight (8) years of age.

(b) This section shall not apply to the driver of a motorcycle who is a participant in a parade.

**History.** Acts 2005, No. 1942, § 2.

**A.C.R.C. Notes.** References to “this subchapter” in §§ 27-20-101 — 27-20-116

may not apply to this section, which was enacted subsequently.

**SUBCHAPTER 2 — THREE-WHEELED, FOUR-WHEELED, AND SIX-WHEELED ALL-TERRAIN VEHICLES**

SECTION.	SECTION.
27-20-201. Penalty.	27-20-205. Certificate of title.
27-20-202. Registration required.	27-20-206. Numbered license decal.
27-20-203. No equipment or inspection requirements.	27-20-207. No renewal of registration.
27-20-204. Taxes to be paid.	27-20-208. Regulations.

**Cross References.** All-terrain vehicles, § 27-21-101 et seq.

**27-20-201. Penalty.**

Any owner of a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle failing to register it within thirty (30) calendar days after the transfer date or the date of release of a lien by a prior lienholder, whichever is greater, shall be assessed an additional penalty of three dollars (\$3.00) for each ten-calendar-day period or fraction thereof for which he or she fails to properly register the vehicle until the penalty reaches the same amount as the registration fee of the cycle to be registered.

**History.** Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 1997, No. 809, § 2; 2001, No. 462, § 1; 2007, No. 305, § 2.

**Amendments.** The 2007 amendment

inserted “or six-wheeled,” twice substituted “vehicle” for “cycle,” and made related and stylistic changes.

**27-20-202. Registration required.**

(a) All owners of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles that are not otherwise required to be registered by law shall register them with the Director of the Department of Finance and Administration within thirty (30) calendar days of acquiring them.

(b)(1) The owners shall offer proof of ownership satisfactory to the Department of Finance and Administration.

(2)(A)(i) If the person seeking to register the all-terrain vehicle cannot offer satisfactory proof of ownership, the department may register it if the person seeking registration posts a bond equal to at least one and one-half (1 1/2) times the market value of the all-terrain vehicle.

(ii) The bond shall be a cash bond, a letter of credit, a surety bond issued by a fidelity or surety company authorized to do business in Arkansas, or a personal bond signed by at least two (2) property owners in this state.

(iii) The bond shall be for a period of three (3) years and made payable to the department to be used by the department to pay any valid claim arising from the disputed ownership of the all-terrain vehicle.

(B)(i) If the three-wheeled or four-wheeled all-terrain vehicle was manufactured on or before December 31, 1992, then proof of ownership shall not be required to obtain registration, and a statement of ownership shall be accepted as proof of ownership.

(ii) The statement of ownership may be prepared by the person and shall contain the following information:

(a) The person's name;

(b) A description of the vehicle;

(c) A statement that the vehicle was manufactured on or before December 31, 1992;

(d) A statement of ownership; and

(e) The person's signature.

(iii) The provisions of subdivision (b)(2)(B) of this section shall not apply to six-wheeled all-terrain vehicles.

(c) The cost of registration shall be five dollars (\$5.00).

**History.** Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 1993, No. 1308, § 1; 2001, No. 462, § 2; 2003, No. 845, § 1; 2007, No. 305, § 3.

substituted "vehicle" for "cycle" and "vehicles" for "cycles" throughout the section, inserted "or six-wheeled" in (a), inserted (b)(2)(B)(iii), and made related changes.

**Amendments.** The 2007 amendment

**27-20-203. No equipment or inspection requirements.**

There shall be no equipment requirement or safety inspection requirement as a precondition to registration of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles.

**History.** Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 4.

**Amendments.** The 2007 amendment inserted “or six-wheeled,” substituted “vehicles” for “cycles,” and made related changes.

**27-20-204. Taxes to be paid.**

The tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., or the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., on the sale of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles shall be collected by the seller of the vehicle as required by § 26-52-513.

**History.** Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 5.

**Amendments.** The 2007 amendment inserted “or six-wheeled,” substituted “vehicles” for “cycles,” substituted “collected by the seller of the vehicle as required by § 26-52-513” for “due and paid to the Director of the Department of Finance and Administration at the time of registration by the owners,” and made related changes.

**Cross References.** Gross receipts tax, sales of motor-driven and all-terrain cycles, § 26-52-513.

**27-20-205. Certificate of title.**

(a) The Director of the Department of Finance and Administration shall issue a certificate of title to the owner of a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle that has been registered with the Department of Finance and Administration.

(b) The certificate shall identify the owner’s name and address, the vehicle manufacturer, model, year, identification number, seller, date of sale, lienholder, and lienholder’s address.

**History.** Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 6.

**Amendments.** The 2007 amendment inserted “or six-wheeled,” substituted “vehicle” for “cycle,” and made related changes.

**27-20-206. Numbered license decal.**

The Director of the Department of Finance and Administration shall furnish the owners of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles that have been registered with the Department of Finance and Administration a numbered license decal that shall be attached to the left front side of the vehicle.

**History.** Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 7.

**Amendments.** The 2007 amendment inserted “or six-wheeled,” substituted “vehicles” for “cycles” and “vehicle” for “cycle,” and made related changes.

**27-20-207. No renewal of registration.**

No renewal of registration of three-wheeled, four-wheeled, or six-wheeled all-terrain vehicles shall be required.

**History.** Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717; Acts 2007, No. 305, § 8.

**Amendments.** The 2007 amendment inserted “or six-wheeled,” substituted “vehicles” for “cycles,” and made related changes.



27-20-208. Regulations.

The Director of the Department of Finance and Administration may promulgate such rules and regulations as necessary to implement this subchapter.

**History.** Acts 1983, No. 872, § 1; A.S.A. 1947, § 75-1717.

CHAPTER 21  
ALL-TERRAIN VEHICLES

SECTION.

- 27-21-101. Purpose.
- 27-21-102. Definitions.
- 27-21-103. Construction.
- 27-21-104. Penalty.
- 27-21-105. Enforcement.
- 27-21-106. Operation on public streets

SECTION.

- and highways unlawful — Exceptions.
- 27-21-107. Operation by minors — Manner of operation.
- 27-21-108. Equipment.
- 27-21-109. Defenses to prosecution.

**Publisher's Notes.** Former chapter 21 was repealed by Acts 1987, No. 804, § 8. The chapter was derived from the following sources:  
27-21-101. Acts 1985, No. 1011, § 1; A.S.A. 1947, § 75-1061.  
27-21-102. Acts 1985, No. 1011, § 4; A.S.A. 1947, § 75-1064.

27-21-103. Acts 1985, No. 1011, § 2; A.S.A. 1947, § 75-1062.  
27-21-104. Acts 1985, No. 1011, § 3; A.S.A. 1947, § 75-1063.  
**Cross References.** Registration of all-terrain vehicles, § 27-20-202.

RESEARCH REFERENCES

**Ark. L. Notes.** Laurence, Some Practical Advice on How to Perfect a Security Interest in an All-Terrain Vehicle, 1996 Ark. L. Notes 59.

CASE NOTES

**Motor Vehicles.**

An all-terrain vehicle meets the definition of a motor vehicle as set out in § 27-14-207, since all-terrain vehicles are self-propelled and do not require rails; the

term motor vehicle, as used in § 5-65-103, also includes all-terrain vehicles. *Fitch v. State*, 313 Ark. 122, 853 S.W.2d 874 (1993).

27-21-101. Purpose.

It is the intent and purpose of this chapter to regulate the use of recreational all-terrain vehicles by restricting their use on the public streets and highways of this state. This law seeks to ensure the safety and general welfare of the citizens of Arkansas by limiting the situa-

tions where all-terrain vehicles are permitted to be used in a dangerous and unsafe fashion.

**History.** Acts 1987, No. 804, § 1.

### 27-21-102. Definitions.

As used in this chapter:

(1) "All-terrain vehicle" means every three-wheeled, four-wheeled, or six-wheeled vehicle seventy-five inches (75") or less in width, equipped with low pressure tires designed primarily for off-road recreational use and having an engine displacement of no more than one thousand cubic centimeters (1,000 cc). The term "all-terrain vehicle" shall not include any golf cart, riding lawnmower, or lawn or garden tractor;

(2) "Low pressure tire" means a pneumatic tire six inches (6") or more in width designed for use on a wheel with a rim diameter of twelve inches (12") or less and utilizing an operating pressure of ten pounds per square inch (10 psi) or less as recommended by the vehicle manufacturer; and

(3) "Public streets and highways" means the part of the street, road, or highway, including the improved road shoulder, which is open to vehicular traffic and which is maintained by the state or by a political subdivision of the State of Arkansas, and includes any federal highways.

**History.** Acts 1987, No. 804, § 2; 2007, No. 305, § 9.

**Amendments.** The 2007 amendment, in (1), deleted "having a dry weight of eight hundred pounds (800 lbs.) or less"

following "width," substituted "one thousand cubic centimeters (1000 cc)" for "six hundred fifty cubic centimeters (650 cc)," and made related and stylistic changes.

### 27-21-103. Construction.

Nothing in this chapter shall be construed to require an all-terrain vehicle to be registered as a motor vehicle, motorcycle, or motor-driven cycle for operation on the public streets and highways.

**History.** Acts 1987, No. 804, § 5.

### 27-21-104. Penalty.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) or imprisoned not more than thirty (30) days, or shall be both fined and imprisoned.

**History.** Acts 1987, No. 804, § 7.

## CASE NOTES

**Cited:** Jones v. State, 314 Ark. 383, 862 S.W.2d 273 (1993).

**27-21-105. Enforcement.**

The officers and employees of the Arkansas State Game and Fish Commission, the Arkansas State Highway and Transportation Department, and the Arkansas Forestry Commission shall have no authority to enforce the provisions of this chapter.

**History.** Acts 1987, No. 804, § 6.

**27-21-106. Operation on public streets and highways unlawful — Exceptions.**

(a) It shall be unlawful for any person to operate an all-terrain vehicle upon the public streets and highways of this state, notwithstanding the fact that the vehicle may otherwise meet the equipment standards as set forth in § 27-20-104, except under the following conditions and circumstances:

(1) An all-terrain vehicle may be operated upon the public streets and highways where the vehicle is used in farming or hunting operations and must be operated on the public streets and highways in order to get from one (1) field to another;

(2) An all-terrain vehicle may be operated upon the public streets or highways if the vehicle needs to make a direct crossing of the street or highway to get from one (1) area to another and if the vehicle comes to a complete stop, yields the right-of-way to all oncoming traffic that constitutes an immediate hazard, and crosses the street or highway at an angle of approximately ninety degrees (90°) to the direction of the street or highway. In crossing divided highways, the crossing may only be made at an intersection of the highway with another public street or highway. In crossings made between the hours from one-half (½) hour after sunset to one-half (½) hour before sunrise or in conditions of reduced visibility, the crossing may only be made with both front and rear lights turned on; and

(3)(A) Any person who has lost one (1) or both legs above the ankle or who otherwise has a serious walking handicap shall be permitted to operate a three-wheeled, four-wheeled, or six-wheeled all-terrain vehicle as a means of transportation upon any nonhard surfaced road in the state and upon the rights-of-way of all state and federal highways other than the rights-of-way of the federal interstate highway system.

(B) Each vehicle, while being ridden on a non-hard surfaced road or on the right-of-way of a state or federal highway as authorized in this subdivision by a person who has a serious walking handicap, shall be equipped with a red flag at least six inches (6") wide and twelve inches (12") long on a pole or staff extending at least thirty-six inches (36") above the level of the seat.



(C) For the purposes of this subdivision (a)(3), “serious walking handicap” means any walking handicap certified as serious by a licensed physician.

(D) Any person operating an all-terrain vehicle on a non-hard surfaced road or on the right-of-way of a state or federal highway pursuant to the authority granted in this subdivision (a)(3) shall carry on his or her person or on the vehicle the physician’s certificate certifying that the person has a serious walking handicap.

(b) When two (2) or more all-terrain vehicles are operating together on a public street or highway as permitted in limited circumstances in this chapter, the vehicles shall be operated in single file except while overtaking another vehicle. The operator of an all-terrain vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left until safely clear of the overtaken vehicle. Nothing in this subsection shall be construed to prohibit an operator from overtaking and passing upon the right another vehicle which is making or about to make a left turn if the overtaking and passing is accomplished in accordance with Arkansas law.

**History.** Acts 1987, No. 804, § 3; 1987, No. 1029, §§ 1, 2; 2007, No. 305, § 10. inserted “or six-wheeled” in (a)(3)(A), and made related changes.

**Amendments.** The 2007 amendment

### **27-21-107. Operation by minors — Manner of operation.**

(a)(1) A person twelve (12) years of age or older shall be entitled to operate an all-terrain vehicle in this state if the use is in compliance with all other provisions of this chapter.

(2) A person less than twelve (12) years of age shall be entitled to operate an all-terrain vehicle in this state only if he or she is under the direct supervision of a person who is at least eighteen (18) years of age or if he or she is on land owned by, leased, rented, or under the direct control of his or her parent or legal guardian, or if he or she is on land with the permission of the owner.

(b) A person shall not operate an all-terrain vehicle in this state:

(1) At a rate of speed greater than is reasonable and proper under the conditions then existing; and

(2) During the hours from one-half (½) hour after sunset to one-half (½) hour before sunrise without displaying a lighted headlight and a lighted taillight.

**History.** Acts 1987, No. 804, § 4.

### **27-21-108. Equipment.**

(a) Every all-terrain vehicle operated in this state shall be equipped with an adequate muffler system in good working condition. Every all-terrain vehicle operated in this state shall be equipped with a United States Forest Service-qualified spark arrester.

(b) No person shall:

(1) Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device;

(2) Operate an all-terrain vehicle with an exhaust system equipped with a cutout, bypass, or similar device; or

(3) Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

**History.** Acts 1987, No. 804, § 4.

### **27-21-109. Defenses to prosecution.**

(a) It is no defense to a prosecution under this chapter that the driver or operator possesses a valid driver's license or motorcycle operator's license.

(b) It shall be a defense to prosecution under § 27-21-106 for a violation of operating an all-terrain vehicle upon the public streets or highways if the all-terrain vehicle operator can show by a preponderance of the evidence that:

(1) The public street or highway was outside the city limits of any municipality or incorporated town in Arkansas;

(2) The public street or highway was not a United States interstate highway;

(3) Traveling on the public street or highway was the most reasonable route of access available to him or her from one (1) off-road trail to another off-road trail or from his or her private property to an off-road trail; and

(4) His or her purpose for riding on the public street or highway was to get from one (1) off-road trail to another off-road trail or his or her purpose for riding on the public street or highway was to get from his or her private property to an off-road trail.

**History.** Acts 1987, No. 804, § 4; 2003, No. 543, § 1.

## **CHAPTER 22**

### **MOTOR VEHICLE LIABILITY INSURANCE**

#### **SECTION.**

27-22-101. Legislative intent — Applicability.

27-22-102. Construction.

27-22-103. Penalty.

27-22-104. Insurance required — Minimum coverage.

27-22-105. Inadequate insurance during an accident — Penalty.

#### **SECTION.**

27-22-106. Cancellation of policy or contract — Administrative revocation or suspension of license.

27-22-107. Motor vehicle insurance reporting.

27-22-108. [Repealed.]

**A.C.R.C. Notes.** References to “this chapter” in §§ 27-22-101 — 27-22-104 and 27-22-107 may not apply to §§ 27-22-105 and 27-22-106, which were enacted subsequently.

**Cross References.** Automobile liability insurance generally, § 23-89-201 et seq.

Proof of insurance, § 27-13-102.

**Effective Dates.** Acts 1991, No. 988, § 9: Apr. 8, 1991. Emergency clause provided: “It is hereby found and determined by the General Assembly that violation of the motor vehicle licensing law is epidemic in this state resulting in lost revenues to schools and the state and local governments; that the present enforcement mechanism is not a deterrent to the violation; that this act is an attempt to enhance the enforcement of the motor vehicle licensing law; that until this act goes into effect, the motor vehicle licensing law will continue to be violated resulting in lost revenue to schools and state and local governments; that enhancing penalties for repeat offenses of the liability insurance requirement is necessary to increase compliance with the law; and that this act is immediately necessary to provide efficient enforcement of the motor vehicle licensing law and motor vehicle liability insurance law. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.”

Acts 1999, No. 881, § 28: Mar. 25, 1999. Emergency clause provided: “It is hereby found and determined by the Eighty-second General Assembly of the State of Arkansas that the present funeral preneed laws, employee leasing firm laws, and other insurance laws are inadequate to protect the public. In pertinent part, the changes to the Insurance Code needed to assure the stability of funding for the Fraud Investigation Division of the De-

partment must be enacted in the laws of this state well before the new fiscal year beginning July 1, 1999. The changes to authorized appropriations, as well as changes to the disability (health) insurance laws on individuals to conform to the federal laws on group policies with guaranteed renewability require immediate adoption; and unless this emergency clause is adopted, this act might not become effective until after the beginning of the next fiscal year. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after the date of its passage and approval. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2003, No. 998, § 4: July 1, 2003. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the lack of compliance with the motor vehicle liability insurance law is epidemic in this state; that the owners of motor vehicles that have not complied with mandatory insurance requirements increase the potential financial catastrophe to others involved in accidents with them; that this act is designed and intended to provide enforcement provisions and to ensure increased compliance with the motor vehicle liability insurance law of this state; and that the enactment of new and enhanced penalties and requirements will increase compliance with the motor vehicle liability insurance law. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2003.”

Acts 2007, No. 485, § 9: Jan. 1, 2008.

## 27-22-101. Legislative intent — Applicability.

(a) This chapter is not intended in any way to alter or affect the validity of any policy provisions, exclusions, exceptions, or limitations contained in a motor vehicle insurance policy required by this chapter.



(b) The provisions of this chapter shall not be applicable to state-owned vehicles nor to state employees while operating the state-owned vehicles.

**History.** Acts 1987, No. 442, §§ 4, 6; 1987, No. 474, § 2.

**A.C.R.C. Notes.** Acts 1987, No. 474, § 4, also enacted an exemption for state

employees driving state-owned vehicles, which has not been codified since its language varies only slightly from that in subsection (b) of this section.

## RESEARCH REFERENCES

**U. Ark. Little Rock L.J. Survey** — Insurance, 10 U. Ark. Little Rock L.J. 587.

## CASE NOTES

### ANALYSIS

In General.  
Construction.  
Common Law.  
Exclusion.  
Rescission.

#### In General.

Trial court did not err when it dismissed a negligence suit brought by injured motorist against the owner of an uninsured motorcycle that was being driven by someone else at the time of the accident because the motorist had failed to state a claim under the Motor Vehicle Safety Responsibility Act, § 27-19-101, et seq., or the Motor Vehicle Liability Insurance Act, § 27-22-101, et seq. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

Based on the plain language and the legislative history of the provisions of the Motor Vehicle Liability Insurance Act, § 27-22-101, et seq., and the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq., the Supreme Court of Arkansas declined to impose civil liability on a motor vehicle owner solely for failing to insure his or her motor vehicle. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

#### Construction.

Motor Vehicle Liability Insurance Act, § 27-22-101, et seq., is supplemental to and cumulative to the Motor Vehicle Safety Responsibility Act, § 27-19-101, et seq. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

### Common Law.

Arkansas compulsory insurance statutes have not abrogated the insurer's common law right to rescission when: (1) only the insurer and the insured are involved in a noncompulsory provision of the policy, and (2) the policy has been in existence less than 60 days, unless it is a renewal policy. *Ferrell v. Columbia Mut. Ins. Co.*, 306 Ark. 533, 816 S.W.2d 593 (1991).

### Exclusion.

This chapter would not render a clause in an automobile liability insurance policy, excluding coverage to the minor son of the insured, void as against public policy. *Smith v. Shelter Mut. Ins. Co.*, 327 Ark. 208, 937 S.W.2d 180 (1997).

A named-insured exclusion clause, which stated that "no coverage is afforded by this policy while any vehicle is being used, driven, operated, or manipulated by, or under the care, custody or control of" a specified person, was not void as against public policy. *Jordan v. Atlantic Cas. Ins. Co.*, 344 Ark. 81, 40 S.W.3d 254 (2001).

### Rescission.

Courts may sever compulsory provisions of an insurance policy from noncompulsory provisions and permit rescission only as to noncompulsory provisions. *Ferrell v. Columbia Mut. Ins. Co.*, 306 Ark. 533, 816 S.W.2d 593 (1991).

**Cited:** *Cook v. Wausau Underwriters Ins. Co.*, 299 Ark. 520, 772 S.W.2d 614 (1989); *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**27-22-102. Construction.**

The provisions of this chapter shall be supplemental to and cumulative to the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.

**History.** Acts 1987, No. 442, § 5.

**RESEARCH REFERENCES**

**U. Ark. Little Rock L.J.** Survey — Insurance, 10 U. Ark. Little Rock L.J. 587.

**CASE NOTES**

**Cited:** Franscumb v. Freeman, 360 Ark. 171, 200 S.W.3d 411 (2004).

**27-22-103. Penalty.**

(a) Except as provided in subsection (b) of this section, any person who operates a motor vehicle within this state shall be subject to a mandatory fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250) unless both the vehicle and the person's operation of the vehicle are covered by a certificate of self-insurance or an insurance policy as required under § 27-22-104(a)(1).

(b)(1) Any person who operates a motor vehicle in violation of § 27-22-104(a)(1) shall be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for the second offense, and the minimum fine shall be mandatory.

(2) Any person who operates a motor vehicle in violation of § 27-22-104(a)(1) shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or sentenced to one (1) year in jail, or both, for the third offense or for any subsequent offenses.

(3) Upon a showing that liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of arrest, the judge may dismiss the charge imposed under this act, and the penalties therefore shall not be imposed.

(c) If the arresting officer is:

(1) An officer of the Department of Arkansas State Police, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit in the Department of Arkansas State Police Fund to be used for the purchase and maintenance of state police vehicles;

(2) A county law enforcement officer, the fine collected shall be deposited in that county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes; or

(3) A municipal law enforcement officer, the fine collected shall be deposited in that municipal fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

**History.** Acts 1987, No. 442, § 2; 1987, No. 474, § 1; 1989, No. 801, § 1; 1991, No. 988, §§ 3, 5; 1997, No. 991, § 1; 2001, No. 1408, § 3; 2003, No. 1765, § 34; 2007, No. 485, §§ 2, 9.

**A.C.R.C. Notes.** Acts 1987, No. 474, § 1, provided, in part, that violation of the act constitutes a Class A misdemeanor.

Acts 1991, No. 988, § 1, provided: "(a) It is hereby found and determined by the General Assembly that there is a large number of motor vehicles within this state which are not licensed; that this situation results in lost revenues to the state in the form of license fees not paid; that the owners of unlicensed motor vehicles most likely do not pay property taxes on such vehicles, thereby depriving local governments and school districts of vitally needed revenues; that it is probable that the owners of unlicensed new motor vehicles have not paid the sales tax on such new vehicles thereby depriving the state of a significant amount of tax revenues; that it is also probable that these owners have not complied with mandatory insur-

ance requirements, thereby increasing the potential financial catastrophe to others involved in accidents with them; and that this act is designed to promote the enforcement of Arkansas' motor vehicle licensing laws.

"(b) It is further found and determined by the General Assembly that penalties for failure to obtain motor vehicle insurance are prescribed by Arkansas law; that enhancing penalties for second and third offenses of the liability insurance requirement will increase compliance with the requirement; therefore it is also the purpose of this act to enhance the penalties for repeat offenses of the liability insurance requirement."

**Amendments.** The 2007 amendment substituted "unless both the vehicle and the person's operation of the motor vehicle are" for "unless the vehicle is" in (a).

**Meaning of "this act".** Acts 1991, No. 988, is codified as §§ 27-14-314, 27-22-103, and 27-22-104.

**Effective Dates.** Acts 2007, No. 485, § 9: Jan. 1, 2008.

## RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Survey — Insurance, 10 U. Ark. Little Rock L.J. 587.

## CASE NOTES

**Cited:** Branscumb v. Freeman, 360 Ark. 171, 200 S.W.3d 411 (2004).

### 27-22-104. Insurance required — Minimum coverage.

(a)(1) It shall be unlawful for any person to operate a motor vehicle within this state unless both the vehicle and the person's operation of the motor vehicle are covered by a certificate of self-insurance under the provisions of § 27-19-107 or by an insurance policy issued by an insurance company authorized to do business in this state.

(2) Failure to present proof of insurance coverage at the time of arrest or a failure of the Vehicle Insurance Database or proof of insurance card issued under § 23-89-213 to show current insurance



coverage at the time of the traffic stop creates a rebuttable presumption that the motor vehicle or the person's operation of the motor vehicle is uninsured.

(b) The policy shall provide as a minimum the following coverage:

(1) Not less than twenty-five thousand dollars (\$25,000) for bodily injury or death of one (1) person in any one (1) accident;

(2) Not less than fifty thousand dollars (\$50,000) for bodily injury or death of two (2) or more persons in any one (1) accident; and

(3) If the accident has resulted in injury to or destruction of property, not less than twenty-five thousand dollars (\$25,000) for the injury to or destruction of property of others in any one (1) accident.

(c)(1)(A) If the operator of the motor vehicle is unable to present proof of insurance coverage as required in subsection (a) of this section when requested by a law enforcement officer or if a check of the Vehicle Insurance Database at the time of the traffic stop fails to show current insurance coverage, the operator shall be issued, in addition to any traffic citation issued for a violation of this section, a notice of noncompliance with the provisions of this section on a form to be provided to the Department of Finance and Administration.

(B)(i)(a) If the operator of the motor vehicle proves that the liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of the traffic stop, then the failure to present proof of insurance at the time of the traffic stop when requested by a law enforcement officer shall be punished by a fine of twenty-five dollars (\$25.00). No court costs under § 16-10-305 or other costs or fees shall be assessed under this subdivision (c)(1)(B)(i)(a).

(b)(1) Eighty percent (80%) of the fines collected under this subdivision (c)(1)(B)(i) shall be paid to the Treasurer of State for the benefit of the Arkansas Citizens First Responder Safety Enhancement Fund.

(2) Twenty percent (20%) of the fines collected under this subdivision (c)(1)(B)(i) shall be retained by the court that tries the offense.

(ii) If the operator of the motor vehicle is unable to prove that the liability coverage required by §§ 27-22-101 — 27-22-104 was in effect at the time of the traffic stop, then the failure to present proof of insurance at the time of the traffic stop when requested by a law enforcement officer shall be punished as provided under § 27-22-103.

(2) The officer shall forward a copy of the notice of noncompliance to the department within ten (10) days of issuance.

(3)(A) In addition, the officer shall remove and impound the license plate attached to the vehicle.

(B) The license plate shall be returned to the Office of Driver Services or to the local revenue office.

(d)(1) The law enforcement officer who removes and impounds the license plate pursuant to subdivision (c)(3)(A) of this section shall issue for attachment to the rear of the vehicle a temporary sticker denoting its use in lieu of an official license plate.

(2) The sticker shall bear the date upon which it shall expire in written or stamped numerals or alphabetic characters not less than three inches (3") in height.

(3) This temporary sticker shall only be effective for a period of ten (10) days beginning from the day on which the license plate was taken.

(4) The temporary stickers shall be designed by the department and supplied at no cost to all law enforcement agencies authorized to enforce traffic laws in Arkansas.

(e)(1) Upon receipt of the notice of noncompliance by the department, the department shall proceed to suspend the registration of the vehicle effective ten (10) days after the license plate was taken and the notice of noncompliance was issued.

(2) However, if both the vehicle and the driver's operation of the vehicle were insured at the time of the offense, the owner of the vehicle shall have ten (10) days to present proof of insurance coverage or other financial security in effect at the time of the offense, whereupon the license plate shall be returned at no cost to the owner of the vehicle.

(f) Any suspension by the department under this section shall be subject to the notice and hearing provisions of § 27-19-404 and shall remain in effect and no registration shall be renewed for or issued to any person whose vehicle registration is so suspended until:

(1) The person shall deposit or there shall be deposited on his or her behalf sufficient security as provided for under the Motor Vehicle Safety Responsibility Act, § 27-19-101 et seq.; or

(2) The person shall furnish the department one of the following:

(A) A certificate of self-insurance under the provisions of § 27-19-107; or

(B) A sufficient insurance policy issued by an insurance company authorized to do business in this state.

(g)(1) In order to reinstate the suspended registration and be reissued a license plate for any suspended motor vehicle, the owner shall present the proof of renewed or new financial coverage required in subdivision (f)(1) or (2) of this section to the department and shall pay to the department a twenty dollar (\$20.00) fee for reinstatement of the registration and reissuance of the license plate.

(2) The revenues derived from this reinstatement fee shall be deposited as a special revenue into the State Central Services Fund and credited as a direct revenue to be used by the department to offset the costs of administering this section.

(3) This fee shall be in addition to any other fines, fees, or other penalties for other violations of this section.

(h) The department shall promulgate necessary rules and regulations for the administration of this section.

**History.** Acts 1987, No. 442, § 1; 1987, No. 474, § 1; 1991, No. 988, § 4; 1993, No. 357, § 1; 1997, No. 991, § 2; 1999, No. 1527, § 6; 2005, No. 2246, § 1; 2007, No. 485, §§ 3-5, 9.

**A.C.R.C. Notes.** Acts 1991, No. 988, § 1, provided: "(a) It is hereby found and determined by the General Assembly that there is a large number of motor vehicles

within this state which are not licensed; that this situation results in lost revenues to the state in the form of license fees not paid; that the owners of unlicensed motor vehicles most likely do not pay property taxes on such vehicles, thereby depriving local governments and school districts of vitally needed revenues; that it is probable that the owners of unlicensed new



motor vehicles have not paid the sales tax on such new vehicles thereby depriving the state of a significant amount of tax revenues; that it is also probable that these owners have not complied with mandatory insurance requirements, thereby increasing the potential financial catastrophe to others involved in accidents with them; and that this act is designed to promote the enforcement of Arkansas' motor vehicle licensing laws.

"(b) It is further found and determined by the General Assembly that penalties for failure to obtain motor vehicle insurance are prescribed by Arkansas law; that enhancing penalties for second and third offenses of the liability insurance requirement will increase compliance with the requirement; therefore it is also the purpose of this act to enhance the penalties

for repeat offenses of the liability insurance requirement."

**Amendments.** The 2005 amendment added (c)(1)(B).

The 2007 amendment, in (a)(1), substituted "unless both the vehicle and the person's operation of the motor vehicle are" for "unless the vehicle is" and made a minor punctuation change; in (a)(2), substituted "arrest or" for "arrest and" and inserted "or proof of insurance card issued under § 23-89-213" and "or the person's operation of the motor vehicle"; deleted "the vehicle's" following "proof of" in (c)(1)(A); deleted "uninsured" preceding "vehicle" in (e)(1); and substituted "if both the vehicle and the driver's operation of the vehicle were" for "if the vehicle was" in (e)(2).

**Effective Dates.** Acts 2007, No. 485, § 9: Jan. 1, 2008.

## RESEARCH REFERENCES

**Ark. L. Rev.** Recent Development: Arkansas Constitutional Law - Inventory Exception, 58 Ark. L. Rev. 753.

**U. Ark. Little Rock L.J.** Survey — Insurance, 10 U. Ark. Little Rock L.J. 587.

**U. Ark. Little Rock L. Rev.** Oliver, None for the Road: Addressing the Problem of Uninsured Vehicles and Drivers in Arkansas, 21 U. Ark. Little Rock L. Rev. 167.

Chamberlin & Holt, Why Arkansas Should Overturn its Anti-Stacking Precedent: A Look at Aggregating Uninsured and Underinsured Motorist Coverage, 21 U. Ark. Little Rock L. Rev. 413.

Annual Survey of Case Law, Criminal Law. 28 U. Ark. Little Rock L. Rev. 698.

## CASE NOTES

### ANALYSIS

In General.  
Failure to Present Proof of Insurance.  
Named Driver Exclusion.  
Liabilities of Insurance Carriers.  
Public Policy.

#### In General.

Trial court did not err when it dismissed a negligence suit brought by injured motorist against the owner of an uninsured motorcycle that was being driven by someone else at the time of the accident because the motorist had failed to state a claim under the Motor Vehicle Safety Responsibility Act, § 27-19-101, et seq., or the Motor Vehicle Liability Insurance Act, § 27-22-101, et seq. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

This section requires an officer to im-

pound only the vehicle's license plate, not the car, in the event a driver is unable to present proof of insurance, and since Ark. R. Crim. P. 12.6 did not authorize the impoundment of a vehicle, but merely the search after a car had been properly impounded or retained, without an independent and proper basis for the impoundment itself, the authorization to search pursuant to that rule was inapplicable. *State v. Kelley*, 362 Ark. 636, 210 S.W.3d 93 (2005).

#### Failure to Present Proof of Insurance.

This section does not provide authority to impound the vehicle of an operator who cannot present proof of insurance; the section only calls for an officer to impound the vehicle's license plate. *Howe v. State*, 72 Ark. App. 466, 39 S.W.3d 467 (2001).



**Named Driver Exclusion.**

There was no violation of public policy where the appellant obtained a motor vehicle liability insurance policy which named his sister as a listed driver and which also excluded himself from coverage. *Jordan v. Atlantic Cas. Ins. Co.*, 71 Ark. App. 372, 32 S.W.3d 755 (2000).

**Liabilities of Insurance Carriers.**

Insurance carrier and insureds did not agree that the insurance carrier could rid itself of the liabilities assumed by it, and contracted for by the insureds, by the carrier filing a lawsuit in federal court and dumping the policy limits into the registry of that court, thus abandoning the insureds. If the insurance carrier had intended that it have that option, it could have said so in plain and unmistakable terms so the insureds, and others like them, could determine whether they wanted to do business with that insurance carrier, or some other carrier, that would provide them with more meaningful protection. *Emcasco Ins. Co. v. Davis*, 753 F. Supp. 1458 (W.D. Ark. 1990).

An automobile insurance carrier may not shed itself of the duties which it contracted to provide its insured by paying the policy limits into the registry of the

court. In so doing, it has not “exhausted” its limits by the payment of claims for which the insureds are “legally responsible because of an auto accident” as required by the terms of the very policy issued and written by the carrier. Included in those things that the insureds hired the carrier to do for them is the defense of expensive lawsuits necessary to determine whether they are “legally responsible” for particular claims made against them. *Emcasco Ins. Co. v. Davis*, 753 F. Supp. 1458 (W.D. Ark. 1990).

**Public Policy.**

When a case involves only the insured and the insurer, and the loss involves the insured's property, there is no public policy reason to hold that the insurance company's common law right to rescission has been abrogated. *Ferrell v. Columbia Mut. Ins. Cas. Co.*, 306 Ark. 533, 816 S.W.2d 593 (1991).

Owner of a motorcycle was not civilly liable to a car driver for injuries sustained by the car driver when the owner of the motorcycle allowed a third party operator to drive the motorcycle, which was not insured. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**Cited:** *Stevens v. State*, 319 Ark. 640, 893 S.W.2d 773 (1995)

**27-22-105. Inadequate insurance during an accident — Penalty.**

(a) When the operator of any motor vehicle is involved in a motor vehicle accident in this state and the vehicle or the operator while driving the vehicle is found not to be adequately insured, as required by § 27-22-104(a)(1), the operator shall be deemed guilty of a Class A misdemeanor.

(b) In addition, if a person is convicted of driving an inadequately insured vehicle that has been involved in an accident under subsection (a) of this section, the court may order that the vehicle be impounded until proof of vehicle insurance coverage is made to the court. The owner of the vehicle impounded shall be responsible for all costs of impoundment.

**History.** Acts 1993, No. 411, § 1; 1997, No. 991, § 3; 2007, No. 485, §§ 6, 9.

**A.C.R.C. Notes.** References to “this chapter” in §§ 27-22-101 — 27-22-104 and 27-22-107 may not apply to this section which was enacted subsequently.

**Amendments.** The 2007 amendment inserted “or the operator while driving the vehicle” in (a).

**Effective Dates.** Acts 2007, No. 485, § 9: Jan. 1, 2008.

## CASE NOTES

## ANALYSIS

In General.  
Construction.

**In General.**

Trial court did not err when it dismissed a negligence suit brought by injured motorist against the owner of an uninsured motorcycle that was being driven by someone else at the time of the accident because the motorist had failed to state a claim under the Motor Vehicle Safety Responsibility Act, § 27-19-101, et seq., or the Motor Vehicle Liability Insurance Act, § 27-22-101, et seq. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**Construction.**

Legislature clearly intended to distinguish operators from owners of motor vehicles by imposing criminal liability solely on the operator of an uninsured motor vehicle that is involved in an accident, while the owner's responsibility is limited to paying the costs of impoundment; in distinguishing the operator from the owner, the legislature has recognized that an owner is not always the operator of the motor vehicle. *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**Cited:** *Branscumb v. Freeman*, 360 Ark. 171, 200 S.W.3d 411 (2004).

**27-22-106. Cancellation of policy or contract — Administrative revocation or suspension of license.**

No policy or contract of insurance covering a motor vehicle may be cancelled solely because of the administrative revocation or suspension of the driver's license of the owner or operator of the motor vehicle under § 5-65-104.

**History.** Acts 1997, No. 932, § 1; 1999, No. 881, § 24.

**A.C.R.C. Notes.** References to "this

chapter" in §§ 27-22-101 — 27-22-104 and 27-22-107 may not apply to this section which was enacted subsequently.

**27-22-107. Motor vehicle insurance reporting.**

(a) Beginning January 1, 1998, each insurance company providing motor vehicle liability insurance coverage required under § 27-22-104(a) shall, before the seventh day of each calendar month, provide to the Revenue Division of the Department of Finance and Administration a record of each motor vehicle insurance policy in effect as of the previous month that was issued by the insurance company. The reports shall be provided to the division through any means of electronic or electro-magnetic medium available to and approved by the department, unless the insurance company qualifies for an exception to this electronics reporting requirement as a result of being a small or low-volume insurer as may otherwise be provided for under regulations promulgated by the Department of Finance and Administration.

(b)(1) The reports shall include:

(A) The name and the address of the named insured;

(B) The make, year, and vehicle identification number of each insured vehicle; and

(C) The policy number, effective date, and expiration date of each policy, National Association of Insurance Carriers code number, and the name of each driver excluded from coverage.



(2) The reports may include:

(A) The date of birth of each insured owner or operator; and

(B) The driver's license number of each insured owner or operator.

(c) The department may, following procedures set forth in regulations promulgated by the department, assess a penalty against each insurance company of up to two hundred fifty dollars (\$250) for each day the insurance company fails to comply with this section. If an insurance company shows that the failure to comply with this section was inadvertent, accidental, outside of the control of the company, or the result of excusable neglect, the Director of the Department of Finance and Administration may excuse the penalty. The moneys collected from these penalties shall be deposited as a special revenue into the State Central Services Fund, and the net amount shall be credited as a direct revenue to be used by the department to offset the costs of administering this section.

(d) The department shall promulgate necessary rules and regulations for the administration of this section.

**History.** Acts 1997, No. 991, § 4; 2007, No. 485, §§ 8, 9.

**A.C.R.C. Notes.** References to "this chapter" in §§ 27-22-101 — 27-22-104 and 27-22-107 may not apply to this sec-

tion which was enacted subsequently.

**Amendments.** The 2007 amendment rewrote (b).

**Effective Dates.** Acts 2007, No. 485, § 9; Jan. 1, 2008.

## 27-22-108. [Repealed.]

**Publisher's Notes.** This section, concerning motor vehicle insurance comparison and registration, revocation, and rein-

statement procedures, was repealed by Acts 2003, No. 998, § 2. The section was derived from Acts 2001, No. 1433, § 1.

## CHAPTER 23

### COMMERCIAL DRIVER LICENSE

#### SUBCHAPTER

1. ARKANSAS UNIFORM COMMERCIAL DRIVER LICENSE ACT.
2. COMMERCIAL DRIVER ALCOHOL AND DRUG TESTING ACT.

**A.C.R.C. Notes.** References to "this chapter" in §§ 27-23-101 — 27-23-124 may not apply to § 27-23-125 which was enacted subsequently.

**Effective Dates.** Acts 1989, No. 241, § 26; Jan. 1, 1990.

Acts 1991, No. 1042, § 3; July 1, 1992.

Acts 1993, No. 445, § 46; Mar. 10, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly of the State of Arkansas that the terms 'operator's license' and 'chauffeur's license' are obsolete and should be replaced with the term

'driver's license'; that the chauffeur's license is no longer issued and has been replaced with the commercial driver's license; that federal law governing commercial driver's license authorizes the use of an assigned number on a commercial driver's license instead of the applicant's social security number; and that this act is necessary to eliminate obsolete references in the Arkansas Code and to be in compliance with federal law governing commercial driver's license. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of



public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 1257, § 11: Apr. 20, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly that federal mandates require the loss of federal highway funds without implementation of a system of suspending the driving privileges of persons holding such privileges granted by this State and found guilty of certain drug offenses, whether such finding occurred in this state or out-of-state, and that additional enforcement provisions are urgently needed to deter persons illegally using or dealing in drugs; that this Act will provide that additional enforcement mechanism; and that this Act should go into effect immediately in order to meet the requirements of the federal law and to grant law enforcement officers and courts greater flexibility in dealing with the illegal use and sale of drugs. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 892, § 8: Mar. 27, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly of the State of Arkansas that the Arkansas Uniform Commercial Driver License Act is out of compliance with federal laws concerning the commercial driver licenses thereby threatening a certain amount of federal highway funds; that federal highway funding is critical to most of the highway construction projects and threatens the fiscal health and safety of Arkansas' highway programs; and that these clarifications in Arkansas' law should take effect immediately to prevent any possible loss of the critical federal highway funds. Therefore, in order to remove the conflicts in those laws, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved or vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is

vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2003, No. 842, § 8: Jan. 1, 2005.

Acts 2003 (2nd Ex Sess.), No. 5, § 3: Dec. 22, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current residency requirement for administering a commercial driver's license was adopted to conform to federal regulatory requirements; that the FMCSA does not regard this requirement as a safety issue that would jeopardize federal funding; that the FMCSA has indicated that future rulemaking may be promulgated to further clarify the education and testing of students who attend training schools in states other than where they live; that adoption is necessary to avoid placing an undue financial hardship on several Arkansas institutions of higher learning that currently provide educational training to students who enroll in Arkansas schools but reside in other states, as well as an economic hardship on Arkansas trucking companies that hire students subject to their completion of training at Arkansas schools. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2005, No. 136, § 2: Feb. 11, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the transportation of hazardous materials presents a terrorism, security, and safety risk to the citizens of the State of Arkansas; that to protect the safety and security of the citizens of the State of Arkansas, drivers who transport hazardous materials should be checked for prior criminal violations; that the Transportation Security Administration has the capability and resources to have such checks performed and to evaluate whether or not a driver presents a risk to the safety and security of the citizens of the State of Arkansas; and that this act is

immediately necessary because performing such security checks are required under the USA Patriot Act and required for the State of Arkansas to remain eligible for significant federal funds. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2005, No. 942, § 3: Mar. 18, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that third party

administration of certain driving tests is necessary to ensure a adequate opportunity for qualified applicants to take the test; that there are qualified and trained students currently waiting to take the test; and that this act is immediately necessary to correct deficiencies in the current testing procedures. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

## RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Survey, Agricultural Law, 12 U. Ark. Little Rock L.J. 597.

## SUBCHAPTER 1 — ARKANSAS UNIFORM COMMERCIAL DRIVER LICENSE ACT

### SECTION.

- 27-23-101. Short title.
- 27-23-102. Statement of intent and purpose.
- 27-23-103. Definitions.
- 27-23-104. Limitation on number of driver licenses.
- 27-23-105. Notification required by driver.
- 27-23-106. Employer responsibilities.
- 27-23-107. Commercial driver license required.
- 27-23-108. Commercial driver license qualification standards.
- 27-23-109. [Repealed.]
- 27-23-110. Application for commercial driver license.
- 27-23-111. Content of Commercial Driver License — Classifications — Expiration and renewal.
- 27-23-112. Disqualification and cancellation.
- 27-23-113. Commercial drivers prohibited from operating with any alcohol in system.

### SECTION.

- 27-23-114. Commercial motor vehicle driving offenses and penalties.
- 27-23-115. Implied consent requirements for commercial motor vehicle drivers.
- 27-23-116. Notification of traffic convictions.
- 27-23-117. Driving record information to be furnished.
- 27-23-118. Distribution of fees.
- 27-23-119. Exemption regulations.
- 27-23-120. Rulemaking authority.
- 27-23-121. Authority to enter agreement.
- 27-23-122. Enforcement.
- 27-23-123. Reciprocity.
- 27-23-124. Commercial Driver License Fund.
- 27-23-125. Suspension of commercial driver license for delinquent child support.
- 27-23-126. Notification of out-of-service order.



SECTION.

27-23-127. Disqualification of noncommercial driver license holder.

SECTION.

27-23-128. Deferment of sentence — Restrictions.

**27-23-101. Short title.**

This subchapter may be cited as the “Arkansas Uniform Commercial Driver License Act”.

**History.** Acts 1989, No. 241, § 1.

**RESEARCH REFERENCES**

**U. Ark. Little Rock L. Rev.** Survey of Legislation, 2003 Arkansas General Assembly, Transportation, Changes to Uniform Commercial Driver License Act, 26 U. Ark. Little Rock L. Rev. 504.

**27-23-102. Statement of intent and purpose.**

(a) The purpose of this subchapter is to implement the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Pub. L. 99-570, Title XII and reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by:

- (1) Permitting commercial drivers to hold only one (1) license;
- (2) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses;
- (3) Strengthening licensing and testing standards for commercial drivers.

(b) This subchapter is a remedial law and shall be liberally construed to promote the public health, safety, and welfare. To the extent that this subchapter conflicts with general driver licensing provisions, this subchapter prevails. Where this subchapter is silent, the general driver licensing provisions apply.

**History.** Acts 1989, No. 241, § 2. **Vehicle Safety Act of 1986,** referred to in this section, is codified as 49 U.S.C. § 521.

**U.S. Code.** The Commercial Motor

**27-23-103. Definitions.**

As used in this subchapter:

- (1) “Alcohol” or “alcoholic beverage” means:
  - (A) Ethyl alcohol, or ethanol;
  - (B) Beer which is defined as beer, ale, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent (0.5%) or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefore;
  - (C) Wine of not less than one-half of one percent (0.5%) of alcohol by volume; or
  - (D) Distilled spirits, alcoholic spirits, and spirits, which are defined as those substances known as ethyl alcohol, ethanol, or spirits



of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced;

(2) "Blood alcohol concentration" means:

(A) The number of grams of alcohol per one hundred milliliters (100 ml) of blood;

(B) The number of grams of alcohol per two hundred ten liters (210 l) of breath; or

(C) Blood and breath quantitative measures in accordance with the current Arkansas Regulations for Blood Alcohol Testing promulgated by the Department of Health;

(3) "Commerce" means:

(A) Trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States; and

(B) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation within the jurisdiction of the United States between a place in a state and a place outside of the state, including a place outside the United States;

(4) "Commercial driver instruction permit" means a permit issued pursuant to § 27-23-108(d);

(5) "Commercial driver license" means a license issued in accordance with the requirements of this subchapter to an individual which authorizes the individual to drive a class of commercial motor vehicle;

(6) The "Commercial Driver License Information System" is the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(7)(A) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(i) Has a gross combination weight rating of twenty-six thousand one pounds (26,001 lbs.) or more inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds (10,000 lbs.);

(ii) Has a gross vehicle weight rating of twenty-six thousand one pounds (26,001 lbs.) or more;

(iii) Is designed to transport sixteen (16) or more passengers, including the driver; or

(iv) Is of any size and is used in the transportation of materials found to be hazardous, as a result of which the motor vehicle is required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F.

(B) When out-of-service orders are involved, the term "commercial motor vehicle" shall also include any self-propelled or towed vehicle used on public highways in interstate commerce to transport passengers or property when:

(i) The vehicle has a gross vehicle weight rating or gross combination weight rating of ten thousand one (10,001) or more pounds; or

(ii) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by the Secretary of Transportation under the Hazardous Materials Transportation Act, 49 U.S.C. App. §§ 1801-1813;

(8) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I-VI of the Uniform Controlled Substances Act, § 5-64-101 et seq.;

(9) "Conviction" means an unvacated adjudication of guilt, a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court order, or violation of a condition of release without bail, regardless of whether or not the penalty was rebated, suspended, or prorated;

(10) "Disqualification" means any of the following three (3) actions:

(A) The suspension, revocation, or cancellation of a commercial driver license by the Office of Driver Services or jurisdiction of issuance;

(B) A withdrawal of a person's privileges to drive a commercial motor vehicle by the office or other jurisdiction as the result of a violation of state or local law relating to motor vehicle traffic control except for parking, vehicle weight, or vehicle defect violations; or

(C) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle;

(11) "Drive" means to drive, operate, or be in physical control of a commercial motor vehicle on any public street or highway in the state or in any place open to the general public for purposes of vehicular traffic;

(12) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle on any public street or highway in the state or in any place open to the general public for purposes of vehicular traffic;

(13) "Driver applicant" or "applicant" means any person who has applied for a commercial driver license;

(14) "Driver license" means a license issued by a state to an individual which authorizes the individual to drive a motor vehicle;

(15) "Driving a commercial motor vehicle while under the influence of alcohol" means committing any one (1) or more of the following acts in a commercial motor vehicle:

(A) Driving a commercial motor vehicle while the person's blood alcohol concentration is four-hundredths of one percent (0.04%) or more;

(B) Driving while intoxicated in violation of § 5-65-103; or

(C) Refusal to undergo such testing as is required by § 5-65-202;

(16) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a



commercial motor vehicle or assigns a person to drive a commercial motor vehicle;

(17) "Fatality" means the death of a person as a result of a motor vehicle accident;

(18) "Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one (1) year;

(19) "Foreign jurisdiction" means any jurisdiction other than a state of the United States;

(20) "Gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle. In the absence of a value specified by the manufacturer, the gross combination weight rating will be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon;

(21) "Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle;

(22) "Hazardous materials" has the same meaning as that found in Section 103 of the Hazardous Materials Transportation Act, 49 U.S.C. App. § 1802;

(23) "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment;

(24) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that the term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail;

(25) "Nonresident commercial driver license" means a commercial driver license issued by a state to an individual domiciled in another state meeting the requirements of 49 C.F.R. § 383.23(b)(2);

(26) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver or motor carrier is temporarily prohibited from operating a commercial motor vehicle pursuant to § 27-23-113 or compatible laws, or that a commercial motor vehicle may not be operated;

(27) "School bus" means:

(A) A commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events; and

(B) "School bus" does not include a bus used as a common carrier;

(28) "Serious traffic violation" means a conviction when operating a commercial motor vehicle of:

(A) Excessive speeding, involving any single offense for any speed of fifteen (15) miles per hour or more above the posted speed limit;

(B) Reckless driving as defined by state or local law or regulation, including, but not limited to, offenses of driving a commercial motor



vehicle in willful or wanton disregard for the safety of persons or property;

(C) Improper or erratic traffic lane changes;

(D) Following the vehicle ahead too closely;

(E)(i) A violation, arising in connection with a fatal accident, of state or local law relating to motor vehicle traffic control, other than a parking violation.

(ii) Serious traffic violations shall not include weight or defect violations;

(F) Driving a commercial motor vehicle without obtaining a commercial driver license;

(G)(i) Driving a commercial motor vehicle without a commercial driver license in the driver's possession.

(ii) Any individual who by the date the individual must appear in court or pay any fine for such a violation provides proof to the enforcement authority that issued the citation that the individual held a valid commercial driver license on the date the citation was issued shall not be guilty of this offense; or

(H) Driving a commercial vehicle without the proper class of commercial driver license or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported;

(29) "State" means a state of the United States and also means the District of Columbia;

(30) "Tank vehicle" means any commercial motor vehicle equipped with a tank designed to hold liquid or gaseous materials with a capacity of one thousand gallons (1,000 gals.) or more; and

(31) "United States" means the fifty (50) states and the District of Columbia.

**History.** Acts 1989, No. 241, § 3; 1991, No. 643, § 1; 1995, No. 921, §§ 1, 2; 1997, No. 892, §§ 1-3; 2003, No. 842, § 1; 2005, No. 879, § 2; 2007, No. 382, § 1.

**Amendments.** The 2005 amendment inserted present (13) and (30), made related changes and redesignated the remaining subdivisions accordingly; and, in present (26), inserted "or motor carrier" and added "or that a commercial motor vehicle may not be operated."

The 2007 amendment, in (25), substituted "commercial driver license" for "CDL" and deleted "under either of the

following two (2) conditions" following "state"; and deleted former (A) relating to domiciles of a foreign country and made related changes.

**U.S. Code.** The Commercial Motor Vehicle Safety Act of 1986, referred to in this section, is codified as 49 U.S.C. § 521.

The Hazardous Materials Transportation Act, referred to in this section, was repealed. For similar provisions, see 49 U.S.C. § 5101 et seq.

**Effective Dates.** Acts 2003, No. 842, § 8; Jan. 1, 2005.

## 27-23-104. Limitation on number of driver licenses.

No person who drives a commercial motor vehicle may have more than one (1) driver license.

**History.** Acts 1989, No. 241, § 4.

**27-23-105. Notification required by driver.**

(a) NOTIFICATION OF CONVICTIONS. (1) Any driver of a commercial motor vehicle holding a driver license issued by this state, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control, in any other state, other than parking violations, shall notify the Office of Driver Services in the manner specified by the office within thirty (30) days of the date of conviction.

(2) Any driver of a commercial motor vehicle holding a driver license issued by this state, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state, other than parking violations, must notify his or her employer in writing of the conviction within thirty (30) days of the date of conviction.

(b) NOTIFICATION OF SUSPENSIONS, REVOCATIONS AND CANCELLATIONS. Each driver whose driver license is suspended, revoked, or cancelled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, must notify his or her employer of the fact before the end of the business day following the day the driver received notice of that fact.

(c) NOTIFICATION OF PREVIOUS EMPLOYMENT. Each person who applies to be a commercial motor vehicle driver must provide the employer, at the time of the application, with the following information for the ten (10) years preceding the date of application.

(1) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(2) The dates between which the applicant drove for each employer; and

(3) The reason for leaving that employer.

The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

(d) PROHIBITION FROM DRIVING FOR CERTAIN VIOLATIONS. (1) Any person who once violates the provisions of this section shall be prohibited from driving a commercial motor vehicle in this state for a period of ninety (90) days.

(2) Any person who violates the provisions of this section a second time shall be prohibited from driving a commercial motor vehicle in this state for a period of one (1) year.

(3) Any person who violates the provisions of this section a third or subsequent time shall be prohibited from ever driving a commercial motor vehicle in this state.

**History.** Acts 1989, No. 241, § 5.



**27-23-106. Employer responsibilities.**

(a) Each employer must require the applicant to provide the information specified in § 27-23-105(c).

(b) No employer may knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period:

(1) In which the driver has a driver license suspended, revoked, or cancelled by a state; has lost the privilege to drive a commercial motor vehicle in a state, or has been disqualified from driving a commercial motor vehicle;

(2) In which the driver has more than one (1) driver license; or

(3) In which the employee, the motor carrier, the driver, or the vehicle operated by the employee or driver is subject to an out-of-service order.

(c)(1) Any employer who once violates the provisions of subdivision (b)(1) or (2) of this section shall, upon conviction, be fined a sum of five hundred dollars (\$500), and each day's violation and each driver's violation shall constitute a separate offense and shall be punished as such. Any employer who violates the provisions of subdivision (b)(1) or (2) of this section a second or subsequent time shall, upon conviction, be fined a sum of one thousand dollars (\$1,000), and each day's violation and each driver's violation shall constitute a separate offense and shall be punished as such.

(2) Any employer convicted of a violation of the provisions of subdivision (b)(3) of this section shall be subject to a civil penalty of not less than two thousand seven hundred fifty dollars (\$2,750) nor more than eleven thousand dollars (\$11,000).

(3) Any employer who knowingly allows, requires, permits, or authorizes a driver to operate a commercial motor vehicle in violation of federal, state, or local law or regulation pertaining to one (1) or more of the offenses listed in § 27-23-112(d) at a railroad-highway grade crossing shall be subject to the civil penalties of subdivision (c)(2) of this section, in addition to the disqualification provisions of § 27-23-112(e).

**History.** Acts 1989, No. 241, § 6; 1995, No. 921, § 3; 2005, No. 879, § 1.

**Amendments.** The 2005 amendment inserted "the motor carrier, the driver, or the vehicle operated by the employee or driver" in (b)(3); substituted "two thou-

sand seven hundred fifty dollars (\$2,750) nor more than eleven thousand dollars (\$11,000)" for "two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000)" in (c)(2); and added (c)(3).

**27-23-107. Commercial driver license required.**

(a) Except when driving under a commercial driver instruction permit and accompanied by the holder of a commercial driver license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds a commercial driver license with the applicable endorsements valid for the vehicle being driven and is in immediate possession of their commercial driver license when driving a commercial motor vehicle.



(b) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or cancelled, while subject to a disqualification, or in violation of an out-of-service order.

(c) Any person who violates any provisions of this section shall be cited for such violations and if found guilty shall be deemed to have committed a Class C misdemeanor.

**History.** Acts 1989, No. 241, § 7.

**A.C.R.C. Notes.** Acts 1989, No. 241, § 26(b), provided that the application, testing, and issuance of commercial driv-

er's licenses under §§ 27-23-107 — 27-23-111 shall begin on January 1, 1990, or as soon as administratively possible thereafter, but no later than July 1, 1990.

### **27-23-108. Commercial driver license qualification standards.**

(a)(1)(A) **TESTING.** To the extent permitted by federal law and regulation, a person may be issued a commercial driver license only if that person has:

(i) Passed a knowledge and skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R., part 383, sub-parts G. and H.; and

(ii) Satisfied all other requirements imposed by state or federal law or regulation.

(B) The tests must be prescribed by the Department of Arkansas State Police and shall be conducted by the Department of Arkansas State Police or by a third party tester designated by the Department of Arkansas State Police under regulations promulgated as provided in this section.

(C) The Department of Finance and Administration shall promulgate the rules to set the length of time the commercial driver license is valid under this subdivision (a)(1).

(2) The Department of Arkansas State Police shall, by regulations, authorize a person, including an agency of this state, an employer, a private driver training facility, another private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section. These third party testing regulations shall provide as a minimum that:

(i) The test is the same which would otherwise be administered by the state;

(ii) The third party shall enter into an agreement with the state which complies with requirements of 49 C.F.R., § 383.75;

(iii) The Department of Arkansas State Police shall designate and provide to any third party testers the evidence to be used to indicate to the state licensing agency that an applicant had successfully passed the skills test;

(iv) The eligibility to become a third party tester shall be open to qualified persons under the regulations at least twice annually; and

(v) The third party tester shall pay a third party testing administration fee as may be determined by the Director of the Department

of Arkansas State Police to recover the costs of administering the testing program and examination distribution expenses.

(b)(1) **WAIVER OF SKILLS TEST.** The Department of Arkansas State Police may waive the skills test specified in this section for a commercial driver license applicant who meets the requirements of 49 C.F.R., § 383.77.

(2)(A) As used in this subdivision (b)(2), “valid military commercial driver’s license” means any commercial driver license that is recognized by any active or reserve component of any branch or unit of the armed forces of the United States as currently being valid or as having been valid at the time of the applicant’s separation or discharge from the military that occurred within the twelve-month period prior to the date of application to the Office of Driver Services for a commercial driver license.

(B) The Department of Arkansas State Police shall waive the skills test specified in this section for any commercial driver license applicant who:

(i) Possesses a valid military commercial driver’s license; and

(ii) Signs the application for a commercial driver license certifying that the applicant’s driving privileges have not been suspended, revoked, or canceled and that the applicant has not had a conviction for any disqualifying offense as described in § 27-23-112.

(C) The Department of Arkansas State Police shall:

(i) Indicate on the application for a commercial driver license the class of license and any endorsements for which the applicant has successfully completed the knowledge requirements; and

(ii) Return the application for a commercial driver license, along with the military commercial driver’s license, to the office for the issuance of the commercial driver license.

(c) **LIMITATIONS ON ISSUANCE OF LICENSE.** A commercial driver license, special commercial license, restricted commercial license, temporary commercial license, provisional commercial license, or commercial driver instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person’s driver license is suspended, revoked, or cancelled in any state; nor may a commercial driver license be issued to a person who has a commercial driver license or any other driver license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state(s) for cancellation.

(d) **COMMERCIAL DRIVER INSTRUCTION PERMIT.** (1) A commercial driver instruction permit may be issued by the Department of Arkansas State Police to an individual who holds a valid driver license.

(2) The commercial driver instruction permit may not be issued for a period to exceed six (6) months. Only one (1) renewal may be granted within a one-year period. The holder of a commercial driver instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.



**History.** Acts 1989, No. 241, § 8; 1995, No. 654, § 1; 2003, No. 217, § 2; 2003, No. 842, § 2; 2003 (2nd Ex. Sess.), No. 5, §§ 1, 2; 2005, No. 76, § 1; 2005, No. 879, § 5; 2005, No. 942, § 1; 2007, No. 584, § 1.

**A.C.R.C. Notes.** As to commencement of licensing procedures, see ACRC Notes, § 27-23-107.

**Amendments.** The 2005 amendment by No. 76, in (a)(2), inserted “a private driver training facility, another private institution, or” and made a minor punctuation change.

The 2005 amendment by No. 879 in-

serted “special commercial license, restricted commercial license, temporary commercial license, provisional commercial license” in (c).

The 2005 amendment by No. 942, in (a)(2), inserted “a private driver training facility, other private institution, or” and made a stylistic change.

The 2007 amendment added (b)(2) and made related changes; and substituted “driver’s” for “driver” in (b)(1).

**Effective Dates.** Acts 2003, No. 842, § 8; Jan. 1, 2005.

## 27-23-109. [Repealed.]

**Publisher’s Notes.** This section, concerning nonresident CDL, was repealed

by Acts 2007, No. 382, § 2. The section was derived from Acts 1989, No. 241, § 9.

## 27-23-110. Application for commercial driver license.

(a) The application for a commercial driver license or commercial driver instruction permit must include the following:

- (1) The full name and current residential address of the person;
- (2) A physical description of the person including sex, height, weight, eye color, and hair color;
- (3) Date of birth;
- (4) The applicant’s social security number;
- (5) The person’s signature;
- (6) A consent to release driving record information;
- (7) Certifications including those required by 49 C.F.R. § 383.71(a);
- (8) Certification that the applicant is not subject to any disqualification under 49 C.F.R. § 383.51, or any license suspension, revocation, or cancellation under state law and that the applicant does not have a driver license from more than one (1) state or jurisdiction;
- (9) The surrender of the applicant’s noncommercial driver licenses to the state;
- (10) The names of all states where the applicant has previously been licensed to drive any type of motor vehicle during the previous ten (10) years; and
- (11) Any other information required by the Office of Driver Services. The application must be accompanied by an application fee of forty-one dollars (\$41.00).

(b) When a licensee changes his or her name or residential address, an application for a duplicate license must be made to the office.

(c) No person who has been a resident of this state for thirty (30) days may drive a commercial motor vehicle under the authority of a commercial driver license issued by another jurisdiction.

(d) The license application must be accompanied by an examination fee for each knowledge and skills test, which shall be set by regulation



of the Department of Arkansas State Police in an amount not to exceed fifty dollars (\$50.00) for each examination and administration.

(e) The examination fee set in subsection (d) of this section shall be collected by the Revenue Division of the Department of Finance and Administration at the time of initial application for a commercial motor vehicle license and any subsequent applications for examination. The funds shall then be deposited as special revenues into the State Treasury and distributed to the credit of the Department of Arkansas State Police Fund to defray the cost of administering the examination of the knowledge and skills tests required in § 27-23-108.

**History.** Acts 1989, No. 241, § 10; 1989, (3rd Ex. Sess.), No. 36, § 1; 1991, No. 164, § 1; 1991, No. 852, § 1; 1991, No. 1042, § 1; 2003, No. 842, § 3; 2007, No. 256, § 1; 2007, No. 382, § 3.

**A.C.R.C. Notes.** As to commencement of licensing procedures, see ACRC Notes, § 27-23-107.

**Amendments.** The 2007 amendment by No. 256 deleted the last sentence in (a)(11), which read: "The application fee shall not be required from a person who

requests that the license be restricted to the driving of a school bus; provided, however, that such person shall be required to pay the noncommercial driver license fee."

The 2007 amendment by No. 382 deleted "unless the application is for a non-resident commercial driver license" and made minor punctuation changes in (a)(4).

**Effective Dates.** Acts 2003, No. 842, § 8: Jan. 1, 2005.

## **27-23-111. Content of Commercial Driver License — Classifications — Expiration and renewal.**

(a) **CONTENT OF LICENSE.** The commercial driver license must be marked "Commercial Driver License" or "CDL", and must be, to the maximum extent practicable, tamperproof. It must include, but not be limited to, the following information:

- (1) The name and residential address of the person;
- (2) The person's color photograph;
- (3) A physical description of the person, including sex and height;
- (4) Date of birth;
- (5) A license number which shall be a nine-digit number assigned to the person by the Commissioner of Motor Vehicles;
- (6) The person's signature;
- (7) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
- (8) The name of this state; and
- (9) The dates between which the license is valid.

(b) **CLASSIFICATIONS, ENDORSEMENTS, AND RESTRICTIONS.** Commercial driver licenses may be issued with the following Class A, Class B, or Class C classifications, as well as the following endorsements and restrictions; the holder of a valid commercial driver license may drive all vehicles in the class for which that license is issued, and all lesser classes of vehicles except motorcycles and vehicles which require an endorsement, unless the proper endorsement appears on the license; all

other driver licenses may be issued with the following Class D, Class M, or Class MD classifications;

(1) COMMERCIAL CLASSIFICATION.

Class A. Any combination of vehicles with a gross vehicle weight rating (GVWR) of twenty-six thousand one pounds (26,001 lbs) or more, provided that the GVWR of the vehicle(s) being towed is in excess of ten thousand pounds (10,000 lbs). No Class A license shall be issued to any person under the age of eighteen (18) years.

Class B. Any single vehicle with a GVWR of twenty-six thousand one pounds (26,001 lbs) or more, and any such vehicle towing a vehicle not in excess of ten thousand pounds (10,000 lbs). No Class B license shall be issued to any person under the age of eighteen (18) years.

Class C. Any single vehicle with a GVWR of less than twenty-six thousand one pounds (26,001 lbs) or any such vehicle towing a vehicle with a GVWR not in excess of ten thousand pounds (10,000 lbs) comprising:

(A) Vehicles designed to transport sixteen (16) or more passengers, including the driver; and

(B) Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under the Hazardous Materials Regulations, 49 C.F.R., part 172, subpart F. No Class C license shall be issued to any person under the age of eighteen (18) years.

(2) OTHER CLASSIFICATIONS.

Class D. Any vehicle which is not a commercial vehicle, as defined by this chapter. No Class D license shall be issued to persons under the age of fourteen (14) years; provided, however, that no such licensee under the age of sixteen (16) years shall operate a vehicle unless accompanied in the front passenger seat of the vehicle by a licensed driver with at least one (1) year of driving experience.

No Class D license shall be valid to carry passengers for hire without a "P" endorsement. No "P" endorsement shall be issued to any person under the age of eighteen (18) years.

Notwithstanding the provisions of this or any other section of this subchapter, any person who on the effective date of this subchapter, has a valid operator's, chauffeur's, or for-hire chauffeur's license shall be entitled to drive the vehicles authorized thereby until the date of expiration of such license, but not thereafter; provided, however, that any person driving a commercial motor vehicle as defined by this chapter on or after April 1, 1992, must first obtain a commercial driver license as required by this section.

Class M. That license valid for the operation of any motorcycle which displaces more than two hundred fifty cubic centimeters (250 cc). No such license shall be issued to any person under the age of sixteen (16) years.

Class MD. That license valid for the operation of any motor driven cycle which displaces two hundred fifty cubic centimeters (250 cc) or



less. No such license shall be issued to any person under the age of fourteen (14) years. A Class MD license shall automatically expire upon the licensee's sixteenth (16th) birthday.

(3) Endorsements and restrictions are:

"H" — authorizes the driver to drive a vehicle transporting hazardous materials;

"K" — restricts the driver to vehicles not equipped with airbrakes;

"T" — authorizes driving double and triple trailers;

"P" — authorizes driving vehicles carrying passengers or carrying passengers for hire;

"N" — authorizes driving tank vehicles;

"X" — represents a combination of hazardous materials and tank vehicle endorsements;

"M" — authorizes the driver to drive a motorcycle; and

"S" — authorizes the driver to operate a school bus.

(c)(1) **APPLICANT RECORD CHECK.** Before issuing a commercial driver license, the Office of Driver Services must obtain driving record information through the Commercial Driver License Information System, the National Driver Register, and from each state in which the person has been licensed.

(2)(A)(i) **CRIMINAL BACKGROUND CHECK.** After January 30, 2005, before issuing a commercial driver license with a hazardous materials or "H" endorsement, the office shall obtain from the Transportation Security Administration a criminal background check and evaluation which establish that the driver is not a security risk.

(ii) After May 31, 2005, before renewing or accepting a transferred commercial driver license with a hazardous materials or "H" endorsement, the office shall obtain from the administration a criminal background check and evaluation which establish that the driver is not a security risk.

(B)(i) If the office denies issuance of a commercial driver license with a hazardous materials or "H" endorsement based on the criminal background check and evaluation performed by the administration, any person disqualified from transporting hazardous material who wishes to appeal that finding shall file an appeal to the administration under the rules, regulations, and guidelines of that agency.

(ii) The appeal process provided under federal law shall be the sole avenue to appeal the denial of the issuance of a commercial driver license under this section based upon the finding of the administration.

(d) **NOTIFICATION OF LICENSE ISSUANCE.** Within ten (10) days after issuing a commercial driver license, the office must notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.

(e) **EXPIRATION OF LICENSE.** All driver licenses issued upon and after January 1, 1990, shall be issued for a period of four (4) years from the date of issuance.



(f) **AUTHORITY TO ADJUST ALL DRIVER LICENSE EXPIRATION PERIODS.** The office, for whatever period of time is necessary, shall have the authority to promulgate rules and regulations to extend or shorten the term of any driver license period, as necessary, to ensure that approximately twenty-five percent (25%) of the total valid licenses are renewable each fiscal year. All driver licenses subject to change for the purpose of this chapter shall also be subject to adjustment of the license fee to ensure the proper license fee is assessed as set forth in this chapter and such change shall be carried out in a manner determined by the office.

(g) **LICENSE RENEWAL PROCEDURES.** When applying for renewal of a commercial driver license, the applicant must complete the application form required by § 27-23-110(a), providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed.

**History.** Acts 1989, No. 241, § 11; 1989 § 27-23-107.

(3rd Ex. Sess.), No. 36, § 2; 1991, No. 164, § 2; 1991, No. 852, § 2; 1993, No. 445, § 38; 2003, No. 836, § 3; 2003, No. 842, § 4; 2005, No. 136, § 1; 2007, No. 256, § 2.

**A.C.R.C. Notes.** As to commencement of licensing procedures, see ACRC Notes,

**Amendments.** The 2005 amendment redesignated former (c) as present (c)(1); and added (c)(2).

The 2007 amendment, in (b)(3), rewrote "S."

**Effective Dates.** Acts 2003, No. 842, § 8: Jan. 1, 2005.

## RESEARCH REFERENCES

**U. Ark. Little Rock L. Rev.** Survey of Legislation, 2003 Arkansas General Assembly, Transportation, Social Security Number as Driver's License Number, 26 U. Ark. Little Rock L. Rev. 504.

### 27-23-112. Disqualification and cancellation.

(a)(1) A driver or holder of a commercial driver license who is disqualified shall not drive a commercial motor vehicle.

(2) An employer shall not knowingly allow, require, permit, or authorize a driver who is disqualified to drive a commercial motor vehicle.

(3) A driver is subject to disqualification sanctions designated in subsections (b) and (c) of this section if the holder of a commercial driver license drives a commercial motor vehicle or noncommercial motor vehicle and is convicted of violations.

(4) Determining first and subsequent violations. For purposes of determining first and subsequent violations of the offenses specified in this section, each conviction for any offense listed in this section resulting from a separate incident, whether committed in a commercial motor vehicle or noncommercial motor vehicle, must be counted.

(5)(A) The Office of Driver Services may reinstate any driver disqualified for life for offenses described in subdivisions (b)(1)-(7) of this section after ten (10) years if that person has voluntarily entered and

successfully completed an appropriate rehabilitation program approved by the Department of Health.

(B) Any person who has been reinstated in accordance with this provision and who is subsequently convicted of a disqualifying offense described in subdivisions (b)(1)-(7) of this section shall not be reinstated.

(b) Disqualification for major offenses. Depending upon the type of vehicle a driver is operating at the time of the violation, a driver shall be disqualified as follows:

(1) If a driver operates a motor vehicle and is convicted of being intoxicated by drugs or alcohol as provided by § 5-65-103 or refusing to submit to chemical testing as provided by § 5-65-202, the driver shall be disqualified as follows:

(A) For a first conviction or refusal to be tested while operating a commercial motor vehicle, a person required to have a commercial driver license or a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction or refusal to be tested while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(C) For a first conviction or refusal to be tested while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years;

(D) For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(E) For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this section while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life;

(2) If a driver operates a motor vehicle and is convicted of having a blood alcohol concentration in violation of § 27-23-114(a), the driver shall be disqualified as follows:

(A) For a first conviction or refusal to be tested while operating a commercial motor vehicle a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction or refusal to be tested while operating a commercial motor vehicle transporting hazardous materials required



to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years; and

(C) For a second conviction or refusal to be tested in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(3) If a driver operates a motor vehicle and is convicted of leaving the scene of an accident, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(C) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years;

(D) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(E) For a second conviction in a separate incident of any combination of offenses in this section while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life;

(4) If a driver operates a motor vehicle and is convicted of using the vehicle to commit a felony other than one described in subdivision (b)(7) of this section, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(C) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and



a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years;

(D) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(E) For a second conviction in a separate incident of any combination of offenses in this section while operating a noncommercial motor vehicle, a commercial driver license holder must be disqualified from operating a commercial motor vehicle for life;

(5) If a driver operates a motor vehicle and is convicted of driving a commercial motor vehicle when the driver's commercial driver license is revoked, suspended, or canceled or if the driver is disqualified from operating a commercial motor vehicle as a result of prior violations committed while operating a commercial motor vehicle, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years; and

(C) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life;

(6) If a driver operates a motor vehicle and is convicted of causing a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the crimes of murder, manslaughter, and negligent homicide, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one (1) year;

(B) For a first conviction while operating a commercial motor vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for three (3) years; and

(C) For a second conviction in a separate incident of any combination of offenses in this section while operating a commercial motor

vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life; and

(7) If a driver operates a motor vehicle and is convicted of using the vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance in violation of § 5-64-401, the driver shall be disqualified as follows:

(A) For a conviction while operating a commercial motor vehicle a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life and shall not be eligible for reinstatement after ten (10) years; and

(B) For a conviction while operating a noncommercial motor vehicle, a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for life and shall not be eligible for reinstatement after ten (10) years.

(c) Disqualification for serious traffic violations, the offenses, and the periods for which a driver must be disqualified, depending upon the type of vehicle the driver is operating at the time of the violation, shall be as follows:

(1) For a second conviction of any combination of offenses listed in § 27-23-103(28) as serious traffic offenses in a separate incident within a three-year period while operating a commercial motor vehicle or any suspension, revocation, or cancellation resulting from a conviction while operating a noncommercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for sixty (60) days; and

(2) For a third or subsequent conviction of any combination of offenses listed in § 27-23-103(28) as serious traffic offenses in a separate incident within a three-year period while operating a commercial motor vehicle or any conviction which results in suspension, revocation, or cancellation resulting from operating a noncommercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for one hundred twenty (120) days;

(d) A driver shall be disqualified if the driver is convicted of operating a commercial motor vehicle in violation of federal, state, or local law or regulation because of the following railroad crossing violations:

(1) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train;

(2) For drivers who are not required to always stop, failing to stop before reaching the crossing if the tracks are not clear;

(3) For drivers who are always required to stop, failing to stop before driving onto the crossing;

(4) For all drivers failing to have sufficient space to drive completely through the crossing without stopping;

(5) For all drivers failing to obey a traffic control device or the directions of the enforcement official at the crossing; and



(6) For all drivers failing to negotiate a crossing because of insufficient undercarriage clearance.

(e) A driver convicted of an offense listed in subsection (d) of this section shall be disqualified as follows:

(1) A driver shall be disqualified for at least sixty (60) calendar days if the driver pleads guilty or nolo contendere to, or is found guilty of, a first violation;

(2) A driver shall be disqualified for at least one hundred twenty (120) calendar days if the driver pleads guilty or nolo contendere to, or is found guilty of, a second violation within a three-year period; and

(3) A driver shall be disqualified for at least one (1) year if the driver pleads guilty or nolo contendere to, or is found guilty of, a third or subsequent violation within a three-year period.

(f) A driver who violates an out-of-service order shall be disqualified as follows:

(1) If the driver operates a commercial motor vehicle and is convicted of violating a driver or vehicle out-of-service order while transporting nonhazardous materials, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for at least ninety (90) days but not more than one (1) year;

(B) For a second conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for at least one (1) year but not more than five (5) years; and

(C) For a third or subsequent conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for at least three (3) years but not more than five (5) years; and

(2) If the driver operates a commercial motor vehicle and is convicted of violating a driver or vehicle out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Regulations, 49 C.F.R. part 172, subpart F, or while operating a vehicle designed to transport sixteen (16) or more passengers, including the driver, the driver shall be disqualified as follows:

(A) For a first conviction while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for at least one hundred eighty (180) days but not more than two (2) years;

(B) For a second conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license



holder shall be disqualified from operating a commercial motor vehicle for at least three (3) years but not more than five (5) years; and

(C) For a third or subsequent conviction in a separate incident within a ten-year period while operating a commercial motor vehicle, a person required to have a commercial driver license and a commercial driver license holder shall be disqualified from operating a commercial motor vehicle for at least three (3) years but not more than five (5) years.

(g) Any driver disqualified by the Federal Motor Carriers Safety Administration under 49 C.F.R. § 383.52 shall be disqualified by the office. The disqualification shall be concurrent with the disqualification ordered by the Federal Motor Carriers Safety Administration and shall be entered as part of the driver's record.

(h) Convictions, disqualifications, and other licensing action for violations as provided in this section shall be noted and retained by the office on a person's commercial driver's license record for the periods of time required under 49 C.F.R. § 384.225(d) and 49 C.F.R. § 384.231(d), as in effect on January 1, 2007.

(i) The commercial driver's license record released by the office to the employer or prospective employer of a commercial driver pursuant to 49 C.F.R. § 384.225(c) and (e)(4), as in effect on January 1, 2007, shall be a complete record that includes any convictions, disqualifications, and other licensing actions for violations required to be retained on a commercial driver's license record under 49 C.F.R. § 384.225(d) and 49 C.F.R. § 384.231(d), as in effect on January 1, 2007.

**History.** Acts 1989, No. 241, § 12; 1993, No. 1257, § 6; 1995, No. 921, § 4; 1999, No. 1077, §§ 3, 4; 2001, No. 216, § 1; 2003, No. 842, § 5; 2007, No. 370, § 1.

**A.C.R.C. Notes.** Acts 1993, No. 1257, § 7, provided: "The Director of the Department of Finance and Administration is authorized to enter into any agreements or arrangements with other states and to take all action deemed necessary or

proper, including the making and promulgation of rules and regulations, in order that the amendments contained in this Act may be effectuated."

**U.S. Code.** Title 49 of the U.S. Code, referred to in this section, was recodified in 1994.

**Amendments.** The 2007 amendment added (h) and (i).

**Effective Dates.** Acts 2003, No. 842, § 8: Jan. 1, 2005.

### **27-23-113. Commercial drivers prohibited from operating with any alcohol in system.**

(a) No person shall:

(1) Consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within four (4) hours before going on duty or operating, or having physical control of, a commercial motor vehicle;

(2) Consume an intoxicating beverage regardless of its alcohol content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol,

while on duty, or operating, or in physical control of a commercial motor vehicle; or

(3) Be on duty or operate a commercial motor vehicle while the driver possesses an intoxicating beverage, regardless of its alcohol content. However, this subdivision (a)(3) does not apply to possession of an intoxicating beverage which is manifested and transported as part of a shipment.

(b) Any driver who is found to be in violation of the provisions of subsection (a) of this section shall be placed out-of-service immediately for a period of twenty-four (24) hours.

(1) The twenty-four-hour out-of-service period will commence upon issuance of an out-of-service order.

(2) No driver shall violate the terms of an out-of-service order issued under this section.

(c) Any driver convicted of violating an out-of-service order shall be subject to a civil penalty of not less than one thousand one hundred dollars (\$1,100) nor more than two thousand seven hundred fifty dollars (\$2,750) in addition to disqualification under § 27-23-112.

**History.** Acts 1989, No. 241, § 13; **Effective Dates.** Acts 2003, No. 842, 2003, No. 842, § 6. § 8: Jan. 1, 2005.

#### CASE NOTES

**Cited:** Ottens v. State, 316 Ark. 1, 871 S.W.2d 329 (1994); Frette v. State, 58 Ark. App. 81, 947 S.W.2d 15 (1997).

### 27-23-114. Commercial motor vehicle driving offenses and penalties.

(a)(1) It is unlawful and punishable as provided in this subchapter for any person who is intoxicated to operate or be in physical control of a commercial motor vehicle. The term "intoxicated" means influenced or affected by the ingestion of alcohol, a controlled substance, any intoxicant, or any combination thereof, at such measurable level so that the driver's reactions, motor skills, and judgment are substantially altered, and the driver therefore constitutes a clear and substantial danger of physical injury or death to himself and other motorists or pedestrians.

(2) It is unlawful and punishable as provided in this subchapter for any person to operate or be in actual physical control of a commercial motor vehicle if at the time there was four hundredths of one percent (0.04%) or more by weight of alcohol in the person's blood as determined by a chemical test of the person's blood or breath or other body substances. For the purpose of this subchapter, there is no presumption, as there is found in § 5-65-206, that a person is not under the influence of an intoxicating substance if such person's blood alcohol concentration is five hundredths of one percent (0.05%) or less.

(3) It shall be unlawful and punishable as provided in this subchapter for any person operating a commercial motor vehicle to leave the



scene of an accident involving the commercial motor vehicle and resulting in any injury to or death of any person, in any damage to another vehicle, whether attended or unattended, or in any damage to any fixture legally upon the highway or adjacent to a highway. The person operating a commercial motor vehicle involved in any such accident shall be under a duty to stop his or her vehicle at the scene of the accident and render the same aid and give the same information as required by § 27-53-103.

(4) It shall be unlawful and punishable as provided in this subchapter for any person driving a commercial motor vehicle to use a commercial motor vehicle in the commission of a felony.

(5) It shall be unlawful and punishable as provided in this subchapter for any person driving a commercial motor vehicle to refuse to submit to a chemical test to determine the person's blood alcohol concentration while driving a commercial motor vehicle. A person driving a commercial motor vehicle requested to submit to such a chemical test shall be warned by the law enforcement officer that a refusal to submit to the test will result in that person being disqualified from driving a commercial motor vehicle.

(b) Any person convicted of a violation of driving a commercial motor vehicle while intoxicated, driving a commercial motor vehicle while the person's blood alcohol concentration is four hundredths of one percent (0.04%) or more, leaving the scene of an accident involving a commercial motor vehicle driven by the person, or using a commercial motor vehicle in the commission of any felony shall be deemed guilty of a Class B misdemeanor and shall be disqualified from driving a commercial motor vehicle as specified in § 27-23-112.

(c)(1) A law enforcement officer having reasonable cause to believe the person to have been driving a commercial motor vehicle while intoxicated or driving a commercial motor vehicle while the person's blood alcohol concentration was four hundredths of one percent (0.04%) or more shall have the authority to administer or have administered a chemical test to determine the person's blood alcohol concentration. The chemical test authorized shall be identical to and under the same standards of the test given to persons under the Omnibus DWI Act, § 5-65-101 et seq.

(2)(A) At the time of an arrest under subdivision (a)(1), (a)(2), or (a)(5) of this section, the law enforcement officer shall seize the driver's license of the arrested person as provided by § 5-65-402, and the office shall disqualify the driving privileges of the arrested person as provided by § 27-23-112 under the procedure in § 5-65-402.

(B) The arrested person shall have the same right to administrative and judicial review provided in § 5-65-402.

(d)(1) Every magistrate or judge of a court shall keep a record of every violation of this section presented to the court and shall keep a record of every official action taken by the court.

(2) Within thirty (30) days after a person has been found guilty, or pleaded guilty or nolo contendere on a charge of violating any provision



of this section, every magistrate of the court or clerk of the court shall prepare and immediately forward to the Office of Driver Services an abstract, which shall be certified as true and correct, of the record of the court covering the case where a person was found guilty, or pleaded guilty or nolo contendere.

(3) The abstract shall be made on a form furnished by the office and shall include all items that the office shall determine as necessary.

(e) Any violation of the offenses found in subsection (a) of this section and the penalties and suspensions imposed for those violations shall be cumulative and in addition to the penalties and suspensions for any other offense or violation under a similar Arkansas motor vehicle traffic or criminal law.

(f) Upon determining that the driver has violated subdivision (a)(1) or (a)(2) of this section previously or has previously been convicted of violating § 5-65-103 or § 5-65-303, the court shall order an assessment of the driver's degree of repeated alcohol abuse and shall order treatment for alcohol abuse as a condition of sentencing if appropriate.

(g) Upon determining that the driver has violated subdivision (a)(1) or (a)(2) of this section previously or has previously been convicted of violating § 5-65-103 or § 5-65-303, the court may order the driver to perform no less than thirty (30) days of community service in lieu of imprisonment for a second offense or no less than sixty (60) days of community service in lieu of imprisonment for a third or subsequent offense.

(h)(1)(A) It is unlawful for a person to knowingly apply for or to obtain a commercial driver license through a fraudulent application or other illegal method.

(B) It is unlawful to knowingly assist or permit any other person to apply for or to obtain a commercial driver license through a fraudulent application or other illegal method.

(C) It is unlawful to knowingly enter false test scores or false information on any application for a commercial driver license.

(2)(A) A person who violates this subsection (h) is guilty of an unclassified offense and may be fined an amount not to exceed five thousand dollars (\$5,000) or imprisoned up to a year in jail, or both.

(B) Any fine collected under this subsection shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration for deposit into the Department of Arkansas State Police Fund.

**History.** Acts 1989, No. 241, § 14; 1991, No. 643, § 2; 1999, No. 1077, §§ 5-7; 2003, No. 217, § 3; 2005, No. 76, § 2; 2005, No. 942, § 2.

**Amendments.** The 2005 amendments by Nos. 76 and 942 redesignated former

(h)(2) as present (h)(2)(A); substituted "an unclassified offense and may be fined an amount not to exceed five thousand dollars (\$5,000) or imprisoned up to a year in jail, or both" for "a Class A misdemeanor" in present (h)(2)(A); and added (h)(2)(B).

**27-23-115. Implied consent requirements for commercial motor vehicle drivers.**

(a) A person who drives a commercial motor vehicle within this state shall be deemed to have given consent, subject to the provisions of § 5-65-202, to take a test or tests of that person's blood, breath, or urine for the purpose of determining that person's blood alcohol concentration or the presence of other drugs.

(b) A test or tests may be administered at the direction of a law enforcement officer who, after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system. It shall be unlawful and punishable as provided in this chapter for any person so stopped or detained to refuse to submit to such test or tests to determine that person's blood alcohol concentration or the presence of other drugs.

(c) A person requested to submit to a test as provided in subsection (a) of this section must be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in that person's being disqualified from operating a commercial motor vehicle under § 27-23-112 and § 5-65-402.

(d) If the person is under arrest and refuses testing, no test shall be given, and the person's commercial driver license shall be seized by the law enforcement officer. The officer shall immediately deliver to the person whose license was seized a temporary commercial driving permit as provided by § 5-65-402 and shall cite the person for his or her refusal to submit to the test.

(e) The arresting officer shall remit the seized commercial driver license to the Office of Driver Services as provided by § 5-65-402.

(f) The office shall disqualify the person from operating a commercial motor vehicle for a period specified in § 27-23-112 under the procedure set forth in § 5-65-402, and the disqualified person shall have the same right to administrative and judicial review provided by § 5-65-402.

**History.** Acts 1989, No. 241, § 15;  
1991, No. 643, § 3; 1999, No. 1077, § 8.

**27-23-116. Notification of traffic convictions.**

Within ten (10) days after receiving a report of the conviction of any nonresident holder of a driver license for any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the Office of Driver Services shall notify the driver licensing authority in the licensing state of the conviction.

**History.** Acts 1989, No. 241, § 16;  
1995, No. 921, § 8.

**27-23-117. Driving record information to be furnished.**

Notwithstanding any other provision of law to the contrary, the Office of Driver Services must furnish full information regarding the driving record of any person:

(a) To the driver license administrator of any other state, or province or territory of Canada, requesting that information.

(b) To any employer or prospective employer upon request and payment of a fee of ten dollars (\$10.00).

(c) To others, authorized to receive such information pursuant to § 27-50-906, upon request and payment of a fee of seven dollars (\$7.00).

**History.** Acts 1989, No. 241, § 17.

**27-23-118. Distribution of fees.**

(a) The fee set out in § 27-23-110(a) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) Twenty dollars (\$20.00) shall be deposited to the credit of the Revenue Division of the Department of Finance and Administration in the Commercial Driver License Fund;

(2) One dollar (\$1.00) of the fee shall be distributed in the same manner as set out in § 27-16-801(g); and

(3) The remaining twenty dollars (\$20.00) of the fee shall be distributed in the same manner as set out in § 27-16-801(d).

(b) The fee set out in § 27-23-117(b) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) Four dollars (\$4.00) of the fee shall be deposited to the credit of the division in the fund; and

(2) The remaining six dollars (\$6.00) of the fee shall be distributed in the manner set forth in § 27-50-910.

(c) The fee set out in § 27-23-117(c) shall be deposited as special revenues into the State Treasury and distributed as follows:

(1) One dollar (\$1.00) of the fee shall be deposited to the credit of the division in the fund; and

(2) The remaining six dollars (\$6.00) of the fee shall be distributed in the manner set forth in § 27-50-910.

(d) All fines, forfeitures, and penalties levied by any court for all offenses committed under this chapter shall be collected by the clerk of the court and remitted to the division. They shall then be deposited as special revenues into the State Treasury to the credit of the division in the fund.

**History.** Acts 1989, No. 241, § 18;  
1991, No. 1042, § 2.



**27-23-119. Exemption regulations.**

In the event that it shall be determined by federal regulation that certain classes of drivers shall be exempt from the application of the Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Pub. L. 99-570, Title XII, the State Highway Commission shall have the authority to and shall promulgate rules and regulations to exempt those certain classes of drivers from the application of this subchapter.

**History.** Acts 1989, No. 241, § 19. Vehicle Safety Act of 1986, referred to in  
**U.S. Code.** The Commercial Motor this section, is codified as 49 U.S.C. § 521.

**27-23-120. Rulemaking authority.**

The Office of Driver Services and the Department of Arkansas State Police shall have the authority to adopt rules and regulations after consulting with, and with the concurrence of, the State Highway Commission and the Arkansas Highway Police of the Arkansas State Highway and Transportation Department, necessary to carry out the provisions of this subchapter.

**History.** Acts 1989, No. 241, § 20.

**27-23-121. Authority to enter agreement.**

The Office of Driver Services and the Department of Arkansas State Police shall have the authority to enter into or make agreements, arrangements, or declarations necessary to carry out the provisions of this subchapter.

**History.** Acts 1989, No. 241, § 21.

**27-23-122. Enforcement.**

The enforcement personnel of the State Highway Commission, the Arkansas Highway Police of the Arkansas State Highway and Transportation Department, and any certified law enforcement officer shall have the authority to enforce the provisions of this subchapter.

**History.** Acts 1989, No. 241, § 22.

**27-23-123. Reciprocity.**

Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle if the person has a commercial driver license issued by any state or province or territory of Canada in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver licenses, if the person is not suspended, revoked, cancelled, disqualified from driving a commercial motor vehicle, or subject to an out-of-service order.

**History.** Acts 1989, No. 241, § 23.

**27-23-124. Commercial Driver License Fund.**

(a) There is hereby established on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State, a fund to be known as the "Commercial Driver License Fund" of the Revenue Division of the Department of Finance and Administration. The Commercial Driver License Fund shall consist of special revenues as set out in § 27-23-118, to be used to establish and maintain the Arkansas Commercial Driver License Program, and for other related purposes as required by the Director of the Department of Finance and Administration in carrying out the functions, powers, and duties of the division.

(b) On July 1, 1989, a loan to the Commercial Driver License Fund shall be made from the Budget Stabilization Trust Fund, in an amount or amounts to be determined by the Chief Fiscal Officer of the State, for the purpose of establishing the Commercial Driver License Program. Loans to the Commercial Driver License Fund during the fiscal year ending June 30, 1990, shall be repaid to the Budget Stabilization Trust Fund on or before June 30, 1991. Provided, further loans to the Commercial Driver License Fund from the Budget Stabilization Trust Fund may be made after July 1, 1989; however, such loans made after July 1, 1990, must be repaid on or before the fiscal year in which such loans were made.

**History.** Acts 1989, No. 241, § 24.

**Cross References.** Commercial Driver License Fund, § 19-6-459.

**27-23-125. Suspension of commercial driver license for delinquent child support.**

All types of commercial driver licenses shall be subject to suspension for nonpayment of child support under § 9-14-239.

**History.** Acts 1993, No. 1241, § 1; 1995, No. 1184, § 23; 1997, No. 1296, §§ 39, 40; 2001, No. 1248, § 15.

chapter" in §§ 27-23-101 — 27-23-124 and 27-23-126 — 27-23-128 may not apply to this section which was enacted subsequently.

**A.C.R.C. Notes.** References to "this

**27-23-126. Notification of out-of-service order.**

The law enforcement officer issuing an out-of-service order to a commercial motor vehicle driver pursuant to § 27-23-113 or compatible law shall within thirty (30) days report such issuance to the Office of Driver Services.

**History.** Acts 1995, No. 921, § 6.

**27-23-127. Disqualification of noncommercial driver license holder.**

(a) The provisions of §§ 27-23-112 — 27-23-114 shall apply equally to drivers of a commercial motor vehicle who have not been issued a

commercial driver license. Any person convicted of any of the listed offenses shall be prohibited from obtaining a commercial driver license during the disqualification period(s) provided in § 27-23-112.

(b) The disqualification of a noncommercial driver license driver pursuant to this section shall be recorded and reported by the Office of Driver Services in the same manner as a disqualification of a driver holding a commercial driver license.

**History.** Acts 1995, No. 921, § 7.

## 27-23-128. Deferment of sentence — Restrictions.

No circuit or district court judge may utilize the provisions of §§ 5-4-311, 5-4-321, 16-90-115, or 16-93-301 — 16-93-303 or any other program to defer imposition of sentence in instances in which the defendant holds a commercial driver license and is charged with violating any state or local traffic law other than a parking violation.

**History.** Acts 2003, No. 842, § 7; 2005, No. 1934, § 19.

**Effective Dates.** Acts 2003, No. 842, § 8: Jan. 1, 2005.

**Amendments.** The 2005 amendment inserted “16-90-115.”

## SUBCHAPTER 2 — COMMERCIAL DRIVER ALCOHOL AND DRUG TESTING ACT

### SECTION.

- 27-23-201. Title.
- 27-23-202. Definitions.
- 27-23-203. Applicability — Exemptions.
- 27-23-204. Testing.
- 27-23-205. Reporting test results.
- 27-23-206. Maintenance of information — Confidentiality.

### SECTION.

- 27-23-207. Use of database by employers.
- 27-23-208. Use of database by an employee.
- 27-23-209. Penalties.
- 27-23-210. Miscellaneous authority — Rules.
- 27-23-211. Immunity from civil liability.

**A.C.R.C. Notes.** Acts 2007, No. 637, § 2, provided: “Except for the penalty levied under § 27-23-209(a) of this act, this

act shall apply to alcohol and drug testing beginning on January 1, 2008.”

## 27-23-201. Title.

This subchapter is known and may be cited as the “Commercial Driver Alcohol and Drug Testing Act”.

**History.** Acts 2007, No. 637, § 1.



**27-23-202. Definitions.**

The definition under 49 C.F.R. § 40.3, as in effect on January 1, 2007, applies to a term that is used in this subchapter if that term is defined under 49 C.F.R. § 40.3, as in effect on January 1, 2007.

**History.** Acts 2007, No. 637, § 1.

**27-23-203. Applicability — Exemptions.**

(a) This subchapter applies to:

(1) An Arkansas employer who is required to comply with the drug and alcohol testing provisions under the Federal Motor Carrier Safety Regulations, as in effect on January 1, 2007;

(2) An employee who holds a commercial driver license and who either:

(A) Is employed by an Arkansas employer in a safety-sensitive transportation job for which drug and alcohol tests are required under the Federal Motor Carrier Safety Regulations, 49 C.F.R. pts. 350-399, as in effect on January 1, 2007; or

(B) Has submitted an application for employment with an Arkansas employer for a safety-sensitive transportation job for which drug and alcohol tests are required under the Federal Motor Carrier Safety Regulations, as in effect on January 1, 2007; and

(3) A medical review officer who reviews laboratory test results generated by a drug test that an Arkansas employer is required to conduct under the Federal Motor Carrier Safety Regulations, as in effect on January 1, 2007.

(b) This subchapter does not apply to an individual who is exempt from holding a commercial driver license notwithstanding whether the individual holds a commercial driver license.

**History.** Acts 2007, No. 637, § 1.

**27-23-204. Testing.**

An employer shall test an employee for alcohol and drugs if the provisions of this subchapter apply to both the employer and employee under § 27-23-203(a)(1) and (2).

**History.** Acts 2007, No. 637, § 1.

**27-23-205. Reporting test results.**

(a) An Arkansas employer shall report to the Office of Driver Services within three (3) business days the results of an alcohol screening test that is performed on an employee who holds a commercial driver license if:

(1) The alcohol screening test is performed pursuant to 49 C.F.R. § 382.303 or § 382.305, as in effect on January 1, 2007; and

(2) One (1) of the following occurs regarding the alcohol screening test:

(A) A valid positive result; or

(B) The refusal to provide a specimen for an alcohol screening test.

(b) A medical review officer shall report within three (3) business days to the office any of the following occurrences regarding a drug test result of an employee who holds a commercial driver license:

(1) A valid positive result on a drug test for any of the following drugs:

(A) Marijuana metabolites;

(B) Cocaine metabolites;

(C) Amphetamines;

(D) Opiate metabolites; or

(E) Phencyclidine (PCP);

(2) The refusal to provide a specimen for a drug test; or

(3) The submission of an adulterated specimen, a dilute positive specimen, or a substituted specimen on a drug test performed.

**History.** Acts 2007, No. 637, § 1.

## **27-23-206. Maintenance of information — Confidentiality.**

(a) The Office of Driver Services shall maintain the information provided under this section in a database to be known as the “Commercial Driver Alcohol and Drug Testing Database” for at least three (3) years.

(b) Notwithstanding any other provision of law to the contrary, personally identifying information of employees in the Commercial Driver Alcohol and Drug Testing Database is confidential and shall be released by the office only as provided under § 27-23-207.

(c) The use of one (1) report generated from the Commercial Driver Alcohol and Drug Testing Database to establish noncompliance for the imposition of a penalty under § 27-23-209 shall not subject the contents of the entire database to disclosure.

**History.** Acts 2007, No. 637, § 1.

## **27-23-207. Use of database by employers.**

(a) An employer shall submit a request for information from the Commercial Driver Alcohol and Drug Testing Database for each employee who is subject to drug and alcohol testing under this subchapter.

(b) The request for information shall be submitted to the Office of Driver Services by the employer with an authorization that is signed by the employee.

(c)(1)(A) The fee for the request for information is a nominal fee not to exceed one dollar (\$1.00) per employee per request.

(B) The office shall determine the amount of the fee.

(C) The office shall set the fee prior to implementation by rule.

(2) The fee shall be assessed to and paid by the employer requesting the information.

(d) The employer shall maintain a record of the report from the Commercial Driver Alcohol and Drug Testing Database that results from the request for information submitted under this section for at least three (3) years.

**History.** Acts 2007, No. 637, § 1.

### **27-23-208. Use of database by an employee.**

(a) An employee who holds a commercial driver license may submit a request for information from the Commercial Driver Alcohol and Drug Testing Database for his or her report.

(b) The request for information shall be submitted with a signed authorization to the Office of Driver Services by the employee who holds a commercial driver's license.

(c)(1) The fee for the request for information is one dollar (\$1.00) per request.

(2) The fee shall be submitted with the signed authorization.

**History.** Acts 2007, No. 637, § 1.

### **27-23-209. Penalties.**

(a)(1) The penalty for an employer who knowingly fails to check the Commercial Driver Alcohol and Drug Testing Database as required under this subchapter is one thousand dollars (\$1,000).

(2) The penalty described in subdivision (a)(1) of this section shall be assessed beginning July 1, 2008.

(b)(1) Except as provided under subdivision (b)(2) of this section, the penalty for an employer who knowingly hires an employee with a record of a positive alcohol or drug test in the Commercial Driver Alcohol and Drug Testing Database is five thousand dollars (\$5,000).

(2) This subsection (b) does not apply to an employee who has completed a treatment program or an education program prescribed by a substance abuse professional and who has been found eligible to return to duty by the employer as provided under 49 C.F.R. §§ 40.281 — 40.313, as in effect on January 1, 2007.

(c) The penalty for an employer who knowingly fails to report an occurrence regarding an alcohol screening test as required under § 27-23-205(a) is five hundred dollars (\$500).

(d)(1) The penalty for a medical review officer who knowingly fails to report an occurrence regarding a drug test result as required under § 27-23-205(b) is five hundred dollars (\$500).

(2) If the medical review officer is out of state, the penalty under subdivision (d)(1) shall be extended to the employer that contracted with the medical review officer.

(e) The penalties under this section shall not apply to the State of Arkansas, an agency of the state, or a political subdivision of the state.



(f) Moneys collected under this section shall be special revenues and be deposited into the State Treasury to the credit of the State Highway and Transportation Department Fund.

**History.** Acts 2007, No. 637, § 1.

### **27-23-210. Miscellaneous authority — Rules.**

(a) The Office of Driver Services shall pursue grants available through the United States Department of Transportation or other entity to assist with the cost of this program.

(b) The office may:

(1) Adopt rules to administer this subchapter;

(2) Receive and expend any moneys arising from grants, contributions, or reimbursements from the United States Department of Transportation or other entity for performing its duties under this subchapter; and

(3) Contract with a third party to administer the Commercial Driver Alcohol and Drug Testing Database.

**History.** Acts 2007, No. 637, § 1.

### **27-23-211. Immunity from civil liability.**

The state or any entity required to perform duties under this subchapter shall be immune from civil liability for performing the duties required under this subchapter.

**History.** Acts 2007, No. 637, § 1.

## **CHAPTER 24**

## **SPECIAL LICENSE PLATE ACT OF 2005**

### **SUBCHAPTER.**

1. GENERAL PROVISIONS.
2. MILITARY SERVICE AND VETERANS.
3. PUBLIC USE VEHICLES — LOCAL GOVERNMENT.
4. PUBLIC USE VEHICLES — STATE GOVERNMENT.
5. PUBLIC USE VEHICLES — FEDERAL GOVERNMENT.
6. NOMINAL FEE PLATES.
7. MEMBERS OF THE GENERAL ASSEMBLY.
8. CONSTITUTIONAL OFFICERS.
9. ARKANSAS STATE GAME AND FISH COMMISSION.
10. COLLEGES AND UNIVERSITIES.
11. AGRICULTURE EDUCATION.
12. FRATERNITIES AND SORORITIES.
13. PUBLIC AND MILITARY SERVICE RECOGNITION.
14. SPECIAL INTEREST LICENSE PLATES.
15. STREET ROD SPECIAL LICENSE PLATES.

**SUBCHAPTER 1 — GENERAL PROVISIONS****SECTION.**

- 27-24-101. Title.
- 27-24-102. Purpose.
- 27-24-103. Definitions.
- 27-24-104. Reissuance — Regulation.
- 27-24-105. Design.

**SECTION.**

- 27-24-106. Change of design.
- 27-24-107. Appeals.
- 27-24-108. Compliance with other laws.
- 27-24-109. Penalty.
- 27-24-110. Local fees prohibited.

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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**27-24-101. Title.**

This chapter shall be known and may be cited as the "Special License Plate Act of 2005".

**History.** Acts 2005, No. 2202, § 1.

**27-24-102. Purpose.**

The purpose of this chapter is to:

- (1) Implement a special license plate law that transfers the authority for approving special license plates to the Director of the Department of Finance and Administration;
- (2) Continue the special license plates that existed before April 13, 2005; and
- (3) Authorize the department to administratively reissue each type of special license plate continued under this chapter.

**History.** Acts 2005, No. 2202, § 1.

**27-24-103. Definitions.**

As used in this chapter:

(1)(A) "Motor vehicle" means a self-propelled vehicle that is classified as:

(i) A Class One, Class Two, or Class Three pleasure vehicle under § 27-14-601(a)(1); or

(ii) A Class One truck under § 27-14-601(a)(3)(A).

(B) "Motor vehicle" shall only include the classes and types of vehicles stated in subdivision (1)(A) of this section as defined under § 27-14-601; and

(2) "Special license plate" means a license plate authorized under this chapter for use on a motor vehicle.

**History.** Acts 2005, No. 2202, § 1.

**27-24-104. Reissuance — Regulation.**

(a) Every special license plate continued under this chapter shall be discontinued on April 7, 2007, unless an application that meets the criteria for issuance of the special license plate under the appropriate subchapter governing that type of plate is submitted and approved by the Director of the Department of Finance and Administration at least ninety (90) days prior to April 1, 2007.

(b) The director shall promulgate rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to carry out the duties of the Department of Finance and Administration under this chapter, including, but not limited to:

(1) Rules regarding the disposal of old design special license plates;

(2) The fee for the design-use contribution, which shall be based on the cost of initial orders of new designs for special license plates; and

(3) The number of applications that must be received in lieu of the payment of the design-use contribution fee to cover the cost of the initial orders of new designs for special license plates.

**History.** Acts 2005, No. 2202, § 1.

**27-24-105. Design.**

(a) Unless otherwise provided in this chapter, the Director of the Department of Finance and Administration shall have the exclusive power to design or approve the design used on a special license plate authorized under this chapter.

(b) A special license plate created and issued under this chapter after April 13, 2005, shall be designed to allow adequate space for the placement of the number and letter characters so that law enforcement officers can readily identify the characters.

(c)(1) A special license plate decal created and issued under this chapter after April 13, 2005, shall be placed across the bottom of the



license plate in lieu of the legend "The Natural State" or any succeeding legend.

(2) A special license plate decal created and issued under this chapter shall be permanent.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-106. Change of design.**

If the Department of Finance and Administration issues a special license plate under this subchapter and the entity requests a change of design, then the entity shall remit to the department an additional fee to cover the cost of the initial order of the newly designed special license plate that is a result of the change of design.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-107. Appeals.**

An appeal from a decision of the Director of the Department of Finance and Administration under this chapter shall be governed by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-108. Compliance with other laws.**

Unless otherwise provided in this chapter, the issuance and renewal of special license plates under this chapter shall comply with all other laws and rules regarding the licensing and registration of motor vehicles.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-109. Penalty.**

(a) Except as otherwise provided in this chapter, it is unlawful for a person to:

- (1) Evade or violate a provision of this chapter;
- (2) Attempt to secure benefits under this chapter to which he or she is not entitled; or
- (3) Obtain or use a special license plate issued under this chapter to which he or she is not entitled.

(b)(1) A person who pleads guilty to, nolo contendere to, or is found guilty of a violation under subsection (a) of this section is guilty of a Class C misdemeanor.

(2) In addition to all other penalties authorized by this subsection, the court may sentence a person to make restitution to the Department of Finance and Administration for the normal license fee for license plates that are lawfully issued under the Uniform Motor Vehicle

Administration, Certificate of Title, and Antitheft Act, § 27-14-101 et seq.

**History.** Acts 2005, No. 2202, § 1.

## **27-24-110. Local fees prohibited.**

A political subdivision of the State of Arkansas shall not levy a fee for the privilege of operating a motor vehicle on the roads, streets, or alleys within the political subdivision for motor vehicles that are licensed under this chapter.

**History.** Acts 2005, No. 2202, § 1.

## **SUBCHAPTER 2 — MILITARY SERVICE AND VETERANS**

### **SECTION.**

- 27-24-201. Purpose.
- 27-24-202. Legislative findings.
- 27-24-203. Definitions.
- 27-24-204. Existing special license plates.
- 27-24-205. Additional special license plates.

### **SECTION.**

- 27-24-206. Fees and limitations.
- 27-24-207. Transferability.
- 27-24-208. Surviving spouse.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Gov-

ernor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2007, No. 109, § 5: Feb. 14, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that due to conflicting laws from the 2005 Regular Session of the 85th General Assembly, persons who were eligible for the special Operation Iraqi Freedom Veteran license plate were charged a fee and other special license plate holders who were veterans were not charged a fee; that this was a mistake that must be corrected; and that this act is immediately necessary to ensure similar treatment of all veterans to prevent unequal treatment of all veterans regarding special license plates. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the

Governor and the veto is overridden, the date the last house overrides the veto.”

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### **27-24-201. Purpose.**

The purpose of this subchapter is to continue military service and veterans special license plates that existed before April 13, 2005, and to transfer the authority to the Department of Finance and Administration to issue additional military service and veterans special license plates.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-202. Legislative findings.**

It is found and determined by the General Assembly of the State of Arkansas that the men and women who have served our country and risked their lives to secure our freedom should be honored by the issuance of free special license plates as provided under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-203. Definitions.**

As used in this chapter:

- (1) “Aid and attendance” means veterans benefits paid to a veteran who because of physical disability cannot take care of himself or herself and must be assisted by another person;
- (2) “Disabled veteran” means any American veteran who:
  - (A) Is a citizen and resident of the State of Arkansas;
  - (B) Has been determined by the United States Department of Veterans Affairs to be a totally and permanently disabled service-connected veteran; and
  - (C) Is either:
    - (i) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or
    - (ii) Issued a motor vehicle by the United States Department of Veterans Affairs under any public law;
- (3) “Disabled veteran — Nonservice injury” means any American veteran who:
  - (A) Is a citizen and resident of the State of Arkansas;
  - (B) Uses a wheelchair as a result of a nonservice-connected catastrophic injury;
  - (C) Receives aid and attendance by the department; and
  - (D) Is either:
    - (i) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or



(ii) Furnished a motor vehicle by the United States Department of Veterans Affairs;

(4) “Disabled veteran — World War I” means a World War I veteran who:

(A) Received a disabling injury while serving in the armed forces of the United States during World War I; and

(B) Is either:

(i) The owner of a motor vehicle that is used by or for the totally and permanently disabled veteran; or

(ii) Furnished a motor vehicle by the United States Department of Veterans Affairs; and

(5)(A) “Merchant Marine” means a person who establishes that he or she:

(i) Served in the United States Merchant Marine during the period of October 1, 1940, through December 31, 1945; and

(ii) Is qualified to receive all applicable veteran’s benefits.

(B) A person shall establish that he or she is a Merchant Marine under this subchapter by presenting a copy of the certificate of release or Form DD 214 with his or her application.

**History.** Acts 2005, No. 2202, § 1.

## **27-24-204. Existing special license plates.**

(a) The following special license plates or license plates with permanent decals for members and veterans of the armed forces of the United States and similar entities that were in existence or authorized by enactment on or before April 13, 2005, shall continue to be issued by the Director of the Department of Finance and Administration to an eligible applicant:

- (1) Disabled Veteran;
- (2) Disabled Veteran — World War I;
- (3) Disabled Veteran — Nonservice injury;
- (4) Medal of Honor Recipient;
- (5) Ex-Prisoner of War;
- (6) Military Reserve;
- (7) Pearl Harbor Survivor;
- (8) Merchant Marine;
- (9) World War II Veteran;
- (10) Korean War Veteran;
- (11) Vietnam Veteran;
- (12) Persian Gulf Veteran;
- (13) Armed Forces Veteran;
- (14) Distinguished Flying Cross;
- (15) Operation Iraqi Freedom Veteran; and
- (16) Operation Enduring Freedom Veteran.

(b)(1) The Purple Heart Recipient special license plate that existed before April 13, 2005, shall continue to be issued by the director to an eligible applicant.

(2) However, on the Purple Heart Recipient special license plates issued after April 13, 2005, the words "Purple Heart — Combat Wounded" shall appear.

(c) The director shall promulgate rules and forms to ensure that an owner of a motor vehicle who is issued a special license plate under this subchapter:

(1) Is eligible to be issued the particular special license plate based on his or her:

(A) Status as a disabled veteran or veteran of a foreign war;

(B) Status of being the recipient of a military honor;

(C) Status of being an ex-prisoner of war; or

(D) Past or present military service; and

(2)(A) Has an honorable record of military service; or

(B) Was honorably discharged from military service.

**History.** Acts 2005, No. 2202, § 1; 2007, No. 109, § 1.

**A.C.R.C. Notes.** Acts 2007, No. 109, § 4, provided: "(a) Subject to the appropriation and availability of funding for the purposes of this section, any person who was eligible for the special Operation Enduring Freedom Veteran license plate under § 27-15-5003, received the special license plate, and was charged a fee under § 27-15-5004 or § 27-15-5005 prior to the effective date of this act shall receive a refund as provided under subsection (b) of this section upon presentation to the Revenue Division of the Department of Fi-

nance and Administration of proof of payment to the Revenue Division prior to the effective date of this act.

"(b)(1) The refund for a special license plate created and issued under § 27-15-5004 is the amount of the fee that was actually paid.

"(2) The refund for the annual renewal of the special license plate under § 27-15-5005 is the amount of the fee paid less a nominal administrative fee of one dollar (\$1.00)."

**Amendments.** The 2007 amendment added (a)(16) and made minor punctuation and stylistic changes.

## 27-24-205. Additional special license plates.

The Director of the Department of Finance and Administration shall examine the following factors to determine whether to create and issue additional special license plates under this subchapter:

(1) Whether an application for the creation of an additional special license plate under this subchapter has been filed by either:

(A) The Adjutant General of the State of Arkansas for a special license plate related to members of the National Guard and reserve components of the armed forces; or

(B) The Director of the Department of Veterans' Affairs for a special license plate related to veterans or any other branch of the armed forces of the United States; and

(2) Whether there has been a recent armed conflict or war in which members of the armed forces of the United States, the National Guard, or the reserve components of the armed forces have served.

**History.** Acts 2005, No. 2202, § 1.

**27-24-206. Fees and limitations.**

(a)(1) Except as provided in subdivision (a)(2) of this section, special license plates created and issued under this subchapter shall be free of charge to an eligible applicant.

(2) To defray the cost of the issuance and renewal of special license plates under this subchapter, the Director of the Department of Finance and Administration may charge an annual fee for renewal not to exceed one dollar (\$1.00).

(b) Except as provided in subsection (c) of this section, a person who is eligible to receive a special license plate under this chapter shall be limited to one (1) special license plate under this subchapter.

(c)(1) An eligible applicant, including a surviving spouse under § 27-24-208, for the issuance or renewal of any one (1) of the following special license plates that existed before April 13, 2005, may obtain one (1) additional special license plate under this subchapter upon payment of the fee for licensing a motor vehicle as provided under § 27-14-601:

- (A) [Repealed.]
- (B) [Repealed.]
- (C) [Repealed.]
- (D) [Repealed.]
- (E) [Repealed.]

(2) The Adjutant General of the State of Arkansas or the Director of the Department of Veterans' Affairs may submit a written request to the Director of the Department of Finance and Administration to allow a qualified applicant for a special license plate not stated in subdivision (c)(1) of this section to obtain one (1) additional special license plate upon payment of the fee for licensing a motor vehicle as provided under § 27-14-601.

(3) An eligible applicant for the issuance or renewal of any of the following special license plate may obtain one (1) additional special license plate under this subchapter upon payment of a fee not to exceed one dollar (\$1.00):

- (A) Ex-prisoner of War;
- (B) Pearl Harbor Survivor;
- (C) Medal of Honor Recipient;
- (D) Disabled Veteran;
- (E) Disabled Veteran — World War I; or
- (F) Purple Heart Recipient.

**History.** Acts 2005, No. 2202, § 1; 2007, No. 101, § 1; 2007, No. 148, § 1; 2007, No. 239, § 1.

**Amendments.** The 2007 amendment by No. 101 deleted (c)(1)(D) and (c)(1)(E), made a minor stylistic change and added (c)(3).

The 2007 amendment by No. 148 deleted (c)(1)(A) and (c)(1)(B), which read,

respectively: "Disabled Veteran" and "Disabled Veteran — World War I," and redesignated subdivisions accordingly; and added (c)(3).

The 2007 amendment by No. 239 deleted former (c)(1)(C) and redesignated the remaining subsections accordingly; and added (c)(3).



**27-24-207. Transferability.**

A special license plate issued under this subchapter shall not be transferred to any person who is not entitled to receive a special license plate under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

**27-24-208. Surviving spouse.**

(a) A special license plate issued under this subchapter may be reissued to the surviving spouse of a deceased person to whom the special license plate was issued upon payment of the fee for licensing a motor vehicle as provided under § 27-14-601.

(b) The surviving spouse of a deceased person who was entitled to receive a special license plate under this subchapter shall not be eligible for parking privileges in designated accessible parking spaces for persons with disabilities unless the surviving spouse is a person with a disability as defined in § 27-15-302(4).

**History.** Acts 2005, No. 2202, § 1.

**SUBCHAPTER 3 — PUBLIC USE VEHICLES — LOCAL GOVERNMENT****SECTION.**

27-24-301. Purpose.

27-24-302. Application for counties.

27-24-303. County quorum courts.

27-24-304. Application for cities and incorporated towns.

**SECTION.**

27-24-305. Validity.

27-24-306. Other public entities.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

**27-24-301. Purpose.**

The purpose of this subchapter is to:

- (1) Continue the special license plates for counties, cities, towns, and members of county quorum courts;
- (2) Transfer the authority to the Department of Finance and Administration to issue additional special license plates for counties, cities, towns, and members of county quorum courts; and
- (3) Provide a mechanism for other public entities in the state to obtain special license plates.

**History.** Acts 2005, No. 2202, § 1; 2007, No. 536, § 1.

**Amendments.** The 2007 amendment added (3) and made related changes.

**27-24-302. Application for counties.**

(a) A county judge in the State of Arkansas may apply for special license plates under this subchapter.

(b) An application submitted under this section shall include the following:

- (1) The payment of a sum of one dollar (\$1.00) for each motor vehicle to be licensed; and
- (2) An affidavit by the following that states that the motor vehicle to which the special license plate shall be attached is the property of the county and used exclusively for county business:
  - (A) The county judge;
  - (B) The county treasurer; and
  - (C) The county sheriff.

**History.** Acts 2005, No. 2202, § 1.

**27-24-303. County quorum courts.**

(a) An Arkansas resident who is an elected member of a county quorum court and who represents a quorum court district in Arkansas may apply for and renew a special license plate under this section.

(b)(1) An application submitted under this section shall include the following:

- (A) A copy of the justice of the peace's commission from the Secretary of State;
- (B) The payment of all taxes and fees imposed by law for the issuance of registration and license plates on motor vehicles; and
- (C) An application fee in the amount of ten dollars (\$10.00).

(2) The application fee in the amount of ten dollars (\$10.00) shall be deposited into the State Treasury as special revenue and credited to the State Central Services Fund as direct revenue to be used by the Revenue Division of the Department of Finance and Administration to finance the issuance of the special license plates and decals provided under this section.

(c) A quorum court member may register one (1) motor vehicle and receive a justice of the peace special license plate decal.

(d) The special license plate shall be the standard color and design that is currently issued by the Department of Finance and Administration, except that in lieu of the legend “The Natural State” or any succeeding legend, it shall have placed across the bottom a permanent decal bearing the words “Justice of the Peace”.

(e) A person who is no longer eligible to use the special license plate and decal under this section shall promptly return the special license plate to the nearest office of the division and be issued a new regular license plate for the motor vehicle.

(f) For the purposes of this subchapter, it shall be presumed that a motor vehicle licensed under this section by a member of a county quorum court is used exclusively for business related to the member’s official duties.

(g) The renewal of a license plate issued under this section shall require the payment of all taxes and fees imposed by law for the renewal of registration and license plates on motor vehicles.

**History.** Acts 2005, No. 2202, § 1.

#### **27-24-304. Application for cities and incorporated towns.**

(a) A mayor of a city or incorporated town in the state may apply for special license plates under this subchapter.

(b) An application submitted under this section shall include the following:

(1) The payment of a sum of one dollar (\$1.00) for each motor vehicle to be licensed; and

(2) An affidavit by the following that states that the motor vehicle to which the special license plate shall be attached is the property of the city or incorporated town and used exclusively for the business of the city or incorporated town:

(A) The mayor; and

(B) The city clerk.

**History.** Acts 2005, No. 2202, § 1.

#### **27-24-305. Validity.**

(a) A special license plate issued under this subchapter shall be valid for as long as the motor vehicle to which the plate is attached is:

(1) Owned by the county, city, incorporated town, county quorum court member, or other public entity; and

(2) Used exclusively in the business of the county, city, incorporated town, or other public entity.

(b) A special license plate issued under §§ 27-24-302, 27-24-304, or 27-24-306 shall not be required to be renewed annually.

**History.** Acts 2005, No. 2202, § 1; inserted “or other public entity” in (a)(1) and (a)(2); and inserted “or § 27-24-306”

**Amendments.** The 2007 amendment in (b) and made related changes.



**27-24-306. Other public entities.**

(a) The following public entities may apply for special license plates under this subchapter through their directors, chairs, or other authorized representatives:

(1) Regional airports authorized under the Regional Airport Act, § 14-362-101 et seq.; and

(2) Regional water distribution districts authorized under The Regional Water Distribution District Act, § 14-116-101 et seq.

(b) An application submitted under this section shall include the following:

(1) The payment of one dollar (\$1.00) for each motor vehicle to be licensed; and

(2) An affidavit by the director, chair, or other authorized representative that states that:

(A) The public entity exists to serve a public purpose; and

(B) The motor vehicle to which the special license plate is attached is:

(i) Owned by the public entity; and

(ii) Used exclusively for the business of the public entity.

**History.** Acts 2007, No. 536, § 3.

**SUBCHAPTER 4 — PUBLIC USE VEHICLES — STATE GOVERNMENT****SECTION.**

27-24-401. Purpose.

27-24-402. Metal plates required on state highway vehicles.

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

**27-24-401. Purpose.**

The purpose of this subchapter is to continue the State Highway Commission's exemption from the requirement to display motor vehicle license plates issued by the Director of the Department of Finance and Administration and to transfer the authority to the commission to determine by minute order whether additional metal plates should be issued.

**History.** Acts 2005, No. 2202, § 1.

**27-24-402. Metal plates required on state highway vehicles.**

(a) The State Highway Commission shall not be required to purchase a license plate from the Department of Finance and Administration for a motor vehicle, truck, or trailer owned or leased by the Arkansas State Highway and Transportation Department or as otherwise determined by minute order of the commission.

(b)(1) The commission shall procure and place upon each vehicle owned or leased by the Arkansas State Highway and Transportation Department a metal plate that contains legible:

(A) Words that state that the vehicle upon which the plate is placed belongs to the Arkansas State Highway and Transportation Department; and

(B) Numbers that correlate with a list of all metal plates placed on vehicles that belong to the Arkansas State Highway and Transportation Department.

(2) The commission shall keep and maintain a complete list that includes:

(A) The number of all metal plates placed upon vehicles belonging to the Arkansas State Highway and Transportation Department; and

(B)(i) A description of the vehicle on which each plate is placed.

(ii) The description shall include the vehicle identification number, the motor number, the model number, or other unique identification of the vehicle.

**History.** Acts 2005, No. 2202, § 1.

**SUBCHAPTER 5 — PUBLIC USE VEHICLES — FEDERAL GOVERNMENT****SECTION.**

27-24-501. Federal government exemption.

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**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate

law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that

this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore,

an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

### 27-24-501. Federal government exemption.

(a) A vehicle shall be exempt from the requirement to exhibit a state license plate if it:

- (1) Belongs to the federal government; and
- (2) Is used by the federal government exclusively for federal government business.

(b) A vehicle that is exempt under subsection (a) of this section is required to exhibit a special license plate that states that the vehicle is owned by the federal government.

(c) The Director of the Department of Finance and Administration shall approve the design and form of a special license plate used under this section.

**History.** Acts 2005, No. 2202, § 1.

## SUBCHAPTER 6 — NOMINAL FEE PLATES

### SECTION.

- 27-24-601. Purpose.
- 27-24-602. Definitions.
- 27-24-603. Existing special license plates.
- 27-24-604. Additional special license plates.
- 27-24-605. Nominal fee.
- 27-24-606. Religious organizations.

### SECTION.

- 27-24-607. Youth groups.
- 27-24-608. 4-H clubs.
- 27-24-609. Volunteer rescue squads.
- 27-24-610. Boy Scouts.
- 27-24-611. Civil Air Patrol.
- 27-24-612. Orphanages.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that

this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue



each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

### **27-24-601. Purpose.**

The purpose of this subchapter is to continue the miscellaneous nominal fee special license plates with the specific eligibility criteria that existed before April 13, 2005, and to transfer the authority to the Department of Finance and Administration to issue additional nominal fee plates in limited circumstances as provided under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-602. Definitions.**

As used in this subchapter:

(1) "4-H club" means a club in this state that is a member of or affiliated with the 4-H Clubs of America;

(2) "Church bus" means a motor bus or van that is:

(A) Owned or exclusively leased by a religious organization; and

(B) Used exclusively for the functions of the religious organization;

(3) "Congregation" means the members of a religious organization;

(4) "Religious organization" means a church or other place of worship that:

(A) Is located in the state; and

(B) Provides religious services to its congregation;

(5) "Volunteer rescue squad" means a volunteer group that provides lifesaving, first aid, or other rescue activities in the state; and

(6) "Youth group" means a club in this state that is a member or affiliated with either the Boys Club of America or the Girls Club of America.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-603. Existing special license plates.**

The miscellaneous nominal fee special license plates with the specific eligibility criteria that were in existence before April 13, 2005, and that are contained in this subchapter shall continue to be issued by the Director of the Department of Finance and Administration.

**History.** Acts 2005, No. 2202, § 1.

**27-24-604. Additional special license plates.**

The Director of the Department of Finance and Administration may create and issue additional special license plates under this subchapter if:

- (1) A nonprofit public service organization applies for the issuance of an additional nominal fee special license plate under this subchapter;
- (2) The creation and issuance of the special license plate will have a minimal annual fiscal and budgetary impact as determined by the director; and
- (3) The special license plate may only be obtained by a limited group of owners of motor vehicles who meet the specific eligibility criteria to obtain the special license plate for a purpose exclusively related to their eligibility.

**History.** Acts 2005, No. 2202, § 1.

**27-24-605. Nominal fee.**

An application for a special license plate under this subchapter shall be accompanied by a fee in the amount of one dollar (\$1.00) for each special license plate issued to cover the administrative cost of issuing the special license plate.

**History.** Acts 2005, No. 2202, § 1.

**27-24-606. Religious organizations.**

(a)(1) The pastor, minister, priest, rabbi, or other person in charge of a religious organization and the chair of the governing body of the religious organization may apply to the Director of the Department of Finance and Administration for the issuance of a church bus special license plate to be used exclusively on church buses owned and operated by the religious organization.

(2)(A) The application for a special license plate under this section shall include an affidavit that:

- (i) Is signed by each applicant; and
- (ii) States that the motor vehicle to which the special license plate shall be attached is a church bus as defined under this subchapter.

(B)(i) If an application submitted under this section contains statements made with the intent to evade the provisions of this subchapter, then the affiant is guilty of perjury.

(ii) If an affiant under this section pleads guilty to, pleads nolo contendere to, or is found guilty of perjury, then the affiant shall be punished as provided in any other conviction of perjury.

(b) This section shall not relieve a religious organization from the payment of gross receipts tax or compensating use tax on the purchase of a church bus.

**History.** Acts 2005, No. 2202, § 1.

**27-24-607. Youth groups.**

(a) A civic club, person, or entity that furnishes to a youth group a motor vehicle that is used exclusively for youth group purposes may apply to the Director of the Department of Finance and Administration for the issuance of a youth group special license plate to be used exclusively on motor vehicles that are operated for the purposes of the youth group.

(b) A youth group that owns and operates a motor vehicle that is used exclusively for youth group purposes may apply to the director for the issuance of a youth group special license plate to be used exclusively on motor vehicles that are owned by the youth group and operated for the purposes of the youth group.

**History.** Acts 2005, No. 2202, § 1.

**27-24-608. 4-H clubs.**

(a) A civic club, person, or entity that furnishes to a 4-H club a motor vehicle that is used exclusively for 4-H club purposes may apply to the Director of the Department of Finance and Administration for the issuance of a 4-H club special license plate to be used exclusively on motor vehicles that are operated for the purposes of the 4-H club.

(b) A 4-H club that owns and operates a motor vehicle that is used exclusively for 4-H club purposes may apply to the director for the issuance of a 4-H club special license plate to be used exclusively on motor vehicles that are owned by the 4-H club and operated for the purposes of the 4-H club.

**History.** Acts 2005, No. 2202, § 1.

**27-24-609. Volunteer rescue squads.**

(a) A person or entity that owns a motor vehicle that is used exclusively by volunteer rescue squads may apply to the Director of the Department of Finance and Administration for the issuance of a volunteer rescue squad special license plate to be used exclusively on motor vehicles that are operated for the purposes of the volunteer rescue squad.

(b) A motor vehicle licensed under this section shall:

- (1) Be painted a distinguishing color; and
- (2) Clearly and conspicuously display the identity of the volunteer rescue squad in letters and figures not less than three inches (3") in height.

(c) A motor vehicle purchased for the exclusive use by a volunteer rescue squad shall be exempt from the gross receipts and compensating use tax.

**History.** Acts 2005, No. 2202, § 1.



**27-24-610. Boy Scouts.**

A civic club, person, or entity that furnishes a bus or truck for exclusive use for Boy Scouts of America purposes may apply to the Director of the Department of Finance and Administration for the issuance of a motor vehicle special license plate to be used exclusively on motor vehicles that are operated for the purposes of the scouts.

**History.** Acts 2005, No. 2202, § 1.

**27-24-611. Civil Air Patrol.**

(a) A person who is a member of the Civil Air Patrol, is a resident of the State of Arkansas, and is an owner of a motor vehicle may apply for a Civil Air Patrol special license plate under this subchapter.

(b) Upon submitting proof of eligibility and complying with the state laws relating to registration and licensing of motor vehicles, the applicant shall be issued a Civil Air Patrol special license plate under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

**27-24-612. Orphanages.**

(a) The head of an orphanage in the State of Arkansas may apply to the Director of the Department of Finance and Administration for the issuance of a motor vehicle special license plate to be used exclusively on motor vehicles that are operated for the purposes of the orphanage.

(b) The application shall include an affidavit on a form prescribed by the director that is signed by the applicant and which states that the motor vehicle to which the special license plate shall be attached is owned or exclusively leased by the orphanage and used exclusively for functions related to the orphanage.

**History.** Acts 2005, No. 2202, § 1.

**SUBCHAPTER 7 — MEMBERS OF THE GENERAL ASSEMBLY****SECTION.**

27-24-701. Purpose.

27-24-702. Special license plates.

27-24-703. Members of the Senate.

27-24-704. Members of the House of Representatives.

**SECTION.**

27-24-705. Taxes and fees.

27-24-706. Issuance and transfer.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on

constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that

transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this

act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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### **27-24-701. Purpose.**

The purpose of this subchapter is to continue the procedure which existed prior to April 13, 2005, for issuing special license plates to the elected members of the General Assembly. These special license plates are issued to honor the elected members of the General Assembly and to assist in making parking rules for the State Capitol more enforceable by the State Capitol Police.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-702. Special license plates.**

The Director of the Department of Finance and Administration shall furnish each member of the General Assembly a special license plate for his or her personal motor vehicle as provided in this subchapter.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-703. Members of the Senate.**

(a)(1) The Director of the Department of Finance and Administration shall each year cause to be prepared thirty-nine (39) special license plates for members and selected staff of the Senate and deliver them to the Secretary of the Senate for distribution.

(2) The special license plates shall be numbered consecutively "1" — "37".

(b) Upon each of the special license plates there shall appear the word "Senator" in addition to other identification information as the director with the approval of the Senate Efficiency Committee and subject to the approval of the Senate.

(c)(1) The special license plate numbered "1" shall be reserved for the President Pro Tempore of the Senate.

(2) On or before January 15 of each odd-numbered year, the secretary as directed by the committee shall furnish the director with a list of the names of members of the Senate and shall designate the special license plate number that shall be reserved for each member of the Senate.

(3)(A) The words "President Pro Tem" shall appear on special license plate number "1".

(B) The words "Lieutenant Governor" shall appear on special license plate number "1".

(C) The words "Secretary of the Senate" shall appear on special license plate number "36".

(D) The words "Senate Chief of Staff" shall appear on special license plate number "37".

(E)(i) The word "Senator" shall appear on the standard Senate special license plate numbers "1" — "35".

(ii) The assignment of the numbers "1" — "35" shall be made by the committee.

(d) A member of the Senate who desires to obtain special license plates may obtain them by applying to the director upon forms to be provided by him or her and upon the payment of all taxes and fees that may be due.

**History.** Acts 2005, No. 2202, § 1.

## **27-24-704. Members of the House of Representatives.**

(a)(1) The Director of the Department of Finance and Administration shall each calendar year cause to be prepared two (2) sets as deemed necessary by the House Management Committee of one hundred seven (107) special license plates for members of the House of Representatives and selected staff.

(2) In addition, there will be two (2) sets or the number of sets deemed necessary by the committee of one hundred (100) "Member" special license plates prepared for distribution.

(3) Upon receipt of the plates, the director shall deliver them to the Speaker of the House of Representatives for issuance.

(b)(1) The background of the special license plate and the words, figures, and emblems shall be in the colors requested by the House of Representatives by resolution duly adopted by that body.

(2) Each special license plate shall also contain figures showing the calendar year for which the license is issued and other words, emblems, and identifying information.

(3) The special license plates issued under this section shall be numbered consecutively "0" through "100" and the words "House of Representatives" shall appear on the standard House of Representatives special license plates and on the "Member" special license plates.

(4) The following seven (7) special license plates shall be prepared as follows:

(A) The words "Speaker of the House" shall appear on special license plate "1";

(B) The words "House Speaker Pro Tem" shall appear on special license plate "2";

(C) The words "House Parliamentarian" shall appear on special license plate "3X";



(D) The words “xHouse Parliamentarian” shall appear on the special license plate “x3x”;

(E) The words “House Chief of Staff” shall appear on special license plate “3”;

(F) The words “House Info Director” shall appear on special license plate “0”; and

(G) The words “Chaplain of the House” shall appear on special license plate “4”.

(c) On or before January 15 of each year, the Speaker of the House of Representatives shall furnish the director with a list of names of members of the House of Representatives designating:

(1) The special license plate number that shall be reserved for each member; and

(2) The number of vehicles to which the special license plate is to be attached, specifying each vehicle’s regular license plate number issued by the Department of Finance and Administration and the vehicle identification number.

(d) Any member of the House of Representatives who desires to obtain a special license plate may obtain it by applying to the Speaker of the House of Representatives upon showing proof that the vehicle to which the special license plate is to be attached is properly registered and licensed in Arkansas.

**History.** Acts 2005, No. 2202, § 1.

## **27-24-705. Taxes and fees.**

A member of the General Assembly shall pay all taxes and fees imposed by law for the issuance of registration and license plates on each of his or her personal motor vehicles.

**History.** Acts 2005, No. 2202, § 1.

## **27-24-706. Issuance and transfer.**

(a) All applications for special license plates issued under this subchapter must contain the following information:

(1) The number of vehicles to which the plate is to be attached; and

(2) The vehicle identification number and the vehicle’s regular license plate number issued by the Department of Finance and Administration for each vehicle to which a special license plate is to be attached.

(b) A special license plate issued under this subchapter shall be issued only for a vehicle that is currently and properly registered and licensed in Arkansas.

(c)(1) A special license plate issued under this subchapter may be transferred to another vehicle if the vehicle is properly registered and licensed in Arkansas and the Speaker of the House of Representatives or the President Pro Tempore of the Senate is notified of the transfer.

(2) The notice of transfer shall designate the vehicle to which the plate is to be transferred and the vehicle from which the plate is being transferred, identifying both vehicles by their respective vehicle identification numbers and regular license plate numbers issued by the department.

(d) The Speaker of the House of Representatives or the President Pro Tempore of the Senate shall:

(1) Notify the department of all special license plate transfers; and

(2) Provide the requisite vehicle information specified in subsection (a) of this section.

**History.** Acts 2005, No. 2202, § 1.

## SUBCHAPTER 8 — CONSTITUTIONAL OFFICERS

### SECTION.

27-24-801. Purpose.

27-24-802. Special license plates authorized.

### SECTION.

27-24-803. Constitutional Officer special license plate.

27-24-804. Issuance and transfer.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

### 27-24-801. Purpose.

The purpose of this subchapter is to continue the Constitutional Officer special license plates that existed before April 13, 2005, to honor the elected members of each constitutional office in the State of Arkansas and to make the parking rules for the State Capitol more enforceable by the State Capitol Police.

**History.** Acts 2005, No. 2202, § 1.

**27-24-802. Special license plates authorized.**

The Director of the Department of Finance and Administration shall furnish each constitutional officer a Constitutional Officer special license plate for his or her personal motor vehicles under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

**27-24-803. Constitutional Officer special license plate.**

(a)(1) The Director of the Department of Finance and Administration shall each year cause to be prepared seven (7) special license plates for the constitutional officers.

(2) The special license plates shall be numbered consecutively "01" — "07".

(b)(1) Upon each of the special license plates there shall appear the words "Constitutional Officer" in addition to the other identifying information as the director shall determine.

(2) Each constitutional officer is entitled to the issuance of a special license plate for up to two (2) personal motor vehicles.

(c)(1) The special license plate numbered "01" shall be reserved for the Governor.

(2) On or before January 15 of each odd-numbered year, the Governor shall furnish the director with a list of the names of the constitutional officers, and each other officer shall furnish the Governor with the name of any other person who may display the special license plate.

(3)(A) The number "01" shall appear on the special license plate for the Governor.

(B) The number "02" shall appear on the special license plate for the Lieutenant Governor.

(C) The number "03" shall appear on the special license plate for the Secretary of State.

(D) The number "04" shall appear on the special license plate for the Attorney General.

(E) The number "05" shall appear on the special license plate for the Treasurer of State.

(F) The number "06" shall appear on the special license plate for the Auditor of State.

(G) The number "07" shall appear on the special license plate for the Commissioner of State Lands.

(d) A constitutional officer who desires to obtain special license plates may obtain them by applying to the director upon forms to be provided by the director and by paying the taxes and fees that may be due.

**History.** Acts 2005, No. 2202, § 1.



**27-24-804. Issuance and transfer.**

(a) All applications for Constitutional Officer special license plates issued under this subchapter shall contain the following information:

- (1) The number of vehicles to which the plate is to be attached; and
- (2) The vehicle identification number and the vehicle's regular license plate number issued by the Department of Finance and Administration for each vehicle to which a special license plate is to be attached.

(b) A special license plate issued under this subchapter shall be issued only for a vehicle that is currently and properly registered and licensed in the State of Arkansas.

(c)(1) A special license plate issued under this subchapter may be transferred to another vehicle provided that the vehicle is properly registered and licensed in the State of Arkansas and the Governor is notified of the transfer.

(2) The notice of transfer shall designate the vehicle to which the plate is to be transferred and the vehicle from which the plate is being transferred, identifying both vehicles by the respective vehicle identification numbers and regular license plate numbers issued by the department.

(d) The Governor shall notify the department of all special license plate transfers, providing the requisite vehicle information specified in subsection (a) of this section.

**History.** Acts 2005, No. 2202, § 1.

**SUBCHAPTER 9 — ARKANSAS STATE GAME AND FISH COMMISSION**

SECTION.

27-24-901. Purpose.

27-24-902. Continuation of existing special license plates for Arkansas State Game and Fish Commission vehicles.

27-24-903. Existing special license plates.

SECTION.

27-24-904. Additional special license plates.

27-24-905. Issuance — Renewal — Replacement.

27-24-906. License plate options.

27-24-907. Transferability.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to

the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor

vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is

vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

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### **27-24-901. Purpose.**

The purpose of this subchapter is to:

(1) Continue the Arkansas State Game and Fish Commission specially designed license plates to be displayed on its motor vehicles;

(2) Continue the commission special license plates that existed before April 13, 2005;

(3) Continue to support the Game Protection Fund that is used by the commission for fish and wildlife conservation education and other purposes consistent with Arkansas Constitution, Amendment 35 and Arkansas Constitution, Amendment 75; and

(4) Transfer the authority to the Department of Finance and Administration to issue additional commission special license plates.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-902. Continuation of existing special license plates for Arkansas State Game and Fish Commission vehicles.**

(a) The Arkansas State Game and Fish Commission shall continue to be issued special license plates to be displayed on its motor vehicles in lieu of the regular motor vehicle license plates prescribed by law.

(b) The special license plates to be issued to the commission and displayed on its vehicles shall be designed by the commission with the approval of the Director of the Department of Finance and Administration.

(c) Nothing in this section shall exempt the commission from the payment of the annual fees prescribed by law for the registration of its motor vehicles.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-903. Existing special license plates.**

(a) Except as provided in subsection (b) of this section, the Director of the Department of Finance and Administration shall continue the Arkansas State Game and Fish Commission special license plates that existed before April 13, 2005.

(b)(1) The commission may request that the Department of Finance and Administration discontinue one (1) or more special license plates that existed before April 13, 2005.

(2) To request a discontinuance of one (1) or more special license plates under this subchapter, the commission shall present a resolution to the director stating which plates the department is to discontinue.

**History.** Acts 2005, No. 2202, § 1.

#### **27-24-904. Additional special license plates.**

(a)(1) The Director of the Department of Finance and Administration shall accept requests from the Arkansas State Game and Fish Commission to create and issue additional special license plates under this subchapter.

(2) The commission shall submit with the request for an additional special license plate a proposed design for the approval of the director.

(b) When considering a request from the commission for an additional special license plate, the director shall consider the following factors:

(1) The current supply and demand of the existing commission special license plates;

(2) The administrative cost to the Department of Finance and Administration for issuance of an additional commission special license plate; and

(3) The estimated demand for the additional special license plate requested by the commission.

(c)(1) If the request is approved, the director shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of new designs for special license plates.

(2)(A) The fee remitted under subdivision (c)(1) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(B) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee shall not be considered or credited to the division as direct revenue.

**History.** Acts 2005, No. 2202, § 1.

#### **27-24-905. Issuance — Renewal — Replacement.**

(a) The owner of a motor vehicle who is a resident of the State of Arkansas may apply for and renew annually a special license plate under this subchapter.

(b) An applicant shall remit the following fees to obtain a special license plate issued under this subchapter for use on a motor vehicle:

(1) The fee required by law for the registration and licensing of the motor vehicle;



(2) A fee not to exceed twenty-five dollars (\$25.00) to cover the design-use contribution by the Arkansas State Game and Fish Commission or for fund-raising purposes; and

(3) A handling and administrative fee in the amount of ten dollars (\$10.00).

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit the fees stated in subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e) The fee remitted under subdivision (b)(2) of this section shall be deposited into the Game Protection Fund to be used by the commission for the following purposes:

(1) Sponsoring college scholarships related to the field of conservation;

(2) Funding land purchases for the benefit of the public; and

(3) Providing conservation education programs.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate under this subchapter may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (b) of this section at the time of renewal, then the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-906. License plate options.**

A motor vehicle owner applying for a special license plate under this subchapter may:

(1) Have a license plate assigned by the Department of Finance and Administration as provided by law; or

(2)(A) Apply for a special personalized prestige license plate pursuant to §§ 27-14-1101 and 27-14-1102.

(B) However, the use of letters and numbers on a personalized prestige license plate shall be limited to the rules of the Director of the Department of Finance and Administration.

**History.** Acts 2005, No. 2202, § 1.

**27-24-907. Transferability.**

The special license plates issued under this subchapter may be transferred from one (1) vehicle to another pursuant to § 27-14-914.

**History.** Acts 2005, No. 2202, § 1.

**SUBCHAPTER 10 — COLLEGES AND UNIVERSITIES**

SECTION.	SECTION.
27-24-1001. Purpose.	27-24-1006. Transferability.
27-24-1002. Definition.	27-24-1007. License plate options.
27-24-1003. Existing special license plates.	27-24-1008. Use of funds by the college or university.
27-24-1004. Additional special license plates.	27-24-1009. Limitation on remedies.
27-24-1005. Issuance — Renewal — Replacement.	

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

**27-24-1001. Purpose.**

The purpose of this subchapter is to continue the special license plates for colleges and universities that existed before April 13, 2005, to support higher education in the state by providing additional funding for academic or need-based scholarships and to transfer the authority to

the Department of Finance and Administration to issue additional college and university special license plates.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1002. Definition.**

As used in this subchapter, “college or university” means a public or private college or university that:

- (1) Offers a four-year degree program;
- (2) Is located in the State of Arkansas;
- (3) Is accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools;
- (4) Certifies to the Department of Higher Education that its students are accepted for transfer at institutions accredited by the commission; and
- (5) Does not discriminate against applicants, students, or employees on the basis of race, color, religion, sex, age, disability, or national origin in compliance with state and federal law.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1003. Existing special license plates.**

(a) Except as provided in subsection (b) of this section, the Director of the Department of Finance and Administration shall continue the collegiate special license plates that existed before April 13, 2005.

(b)(1) The board of trustees of a college or university may request that the Department of Finance and Administration discontinue the college’s or university’s special license plate.

(2) To request a discontinuance of a special license plate issued under this subchapter, the board of trustees of the college or university shall present a resolution to the director requesting the department to discontinue the college’s or university’s special license plate.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1004. Additional special license plates.**

(a)(1) The Director of the Department of Finance and Administration shall accept requests from the board of trustees of a college or university to create and issue a special license plate under this subchapter for the college or university.

(2) The board of trustees shall submit with the request for a special license plate a proposed design for the approval of the director.

(b) The director shall approve one (1) design for a special license plate for each college or university that requests a special license plate.

(c) The director shall determine:

(1) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;



(2) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

(d) The director shall issue additional special license plates as provided under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1005. Issuance — Renewal — Replacement.**

(a) The owner of a motor vehicle who is a resident of the State of Arkansas may apply for and renew annually a special license plate under this subchapter.

(b) An applicant for a special license plate under this subchapter shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee not to exceed twenty-five dollars (\$25.00) to cover the design-use contribution by the college or university or for fund-raising purposes; and

(3) A handling and administrative fee in the amount of ten dollars (\$10.00).

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit to the Department of Finance and Administration the fees stated in subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired;

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e)(1) The department shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis to the college or university for which each special license plate was purchased.

(2) The department shall also provide to each participating college or university a list of persons who have paid for a special license plate under this subchapter.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate under this subchapter may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, then the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(i) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor-vehicle may replace the special license plate with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate;

(3) A different special license plate under this subchapter; or

(4) Any other special license plate that the person is entitled to receive under this chapter.

**History.** Acts 2005, No. 2202, § 1.

#### **27-24-1006. Transferability.**

The special license plates issued under this subchapter may be transferred from one (1) motor vehicle to another pursuant to § 27-14-914.

**History.** Acts 2005, No. 2202, § 1.

#### **27-24-1007. License plate options.**

A motor vehicle owner applying for a special license plate under this subchapter may:

(1) Have a license plate assigned by the Department of Finance and Administration as provided by law; or

(2)(A) Apply for a special personalized prestige license plate pursuant to §§ 27-14-1101 and 27-14-1102.

(B) However, the use of letters and numbers on a personalized prestige license plate shall be limited to the rules of the Director of the Department of Finance and Administration.

**History.** Acts 2005, No. 2202, § 1.

#### **27-24-1008. Use of funds by the college or university.**

(a)(1)(A) A participating college or university shall use eighty-five percent (85%) of the funds received from the design-use contribution fee authorized under § 27-24-1005(b)(2) solely for academic or need-based scholarships.

(B) Procedures and criteria used to determine the distribution of the scholarships shall be established and followed by the college or university distributing the funds derived from the collegiate special license plate program.

(2) The college or university shall use the remaining fifteen percent (15%) of the received funds for either academic or need-based scholar-

ships or for the administration and promotion of the collegiate special license plate program.

(b) Funds received from the collegiate special license plate program are supplementary and shall not be considered or used as income for purposes of reducing the general revenue appropriation to the college or university.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1009. Limitation on remedies.**

The universities and colleges participating in this program shall have no recourse against the Department of Finance and Administration if any collegiate special license plate is erroneously issued or renewed without the payment of the design-use contribution fee.

**History.** Acts 2005, No. 2202, § 1.

**SUBCHAPTER 11 — AGRICULTURE EDUCATION**

SECTION.

- 27-24-1101. Purpose.
- 27-24-1102. Definition.
- 27-24-1103. Existing special license plate.
- 27-24-1104. Additional special license plates.
- 27-24-1105. Design and approval procedure.

SECTION.

- 27-24-1106. Issuance — Renewal — Replacement.
- 27-24-1107. Use of funds by the college or university.
- 27-24-1108. Transferability.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."



**27-24-1101. Purpose.**

The purpose of this subchapter is to continue the special license plates for the Division of Agriculture of the University of Arkansas that existed before April 13, 2005, and to transfer the authority to the Department of Finance and Administration to issue additional agriculture education special license plates upon application by a college or university.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1102. Definition.**

As used in this subchapter, “college or university” means a public or private college or university that:

- (1) Offers a four-year degree program in agriculture or agriculture-related studies;
- (2) Is located in the State of Arkansas;
- (3) Is accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools;
- (4) Certifies to the Department of Higher Education that its students are accepted for transfer at institutions accredited by the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools; and
- (5) Does not discriminate against applicants, students, or employees on the basis of race, color, religion, sex, age, disability, or national origin, in compliance with state and federal law.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1103. Existing special license plate.**

The special license plate for the Division of Agriculture of the University of Arkansas that was in existence before April 13, 2005, shall continue to be issued by the Director of the Department of Finance and Administration.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1104. Additional special license plates.**

The Director of the Department of Finance and Administration shall accept requests for a special license plate for the agriculture division, department, or program of a college or university under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1105. Design and approval procedure.**

(a) The board of trustees of a college or university shall submit with its request for a special license plate for its agriculture program a proposed design for the approval of the Director of the Department of Finance and Administration.

(b) The director shall approve one (1) design for an agriculture-related special license plate for each college or university that requests or currently has a special license plate.

(c)(1) If the director approves the request, the director shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

(2)(A) The fee remitted under this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(B) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(C) The fee shall not be considered or credited to the division as direct revenue.

(d)(1) A college or university may submit a newly designed special license plate for approval and issuance by the director not more than one (1) time in each period of five (5) years under this subchapter.

(2) If the director approves a request, then the director shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1106. Issuance — Renewal — Replacement.**

(a) The owner of a motor vehicle who is a resident of the State of Arkansas may apply for and renew annually a special license plate under this subchapter.

(b) An applicant for a special license plate under this subchapter shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee not to exceed twenty-five dollars (\$25.00) to cover the design-use contribution by the college or university or for fund-raising purposes; and

(3) A handling and administrative fee in the amount of ten dollars (\$10.00).

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit the fees stated in subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e)(1) The Department of Finance and Administration shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis to the college or university for which each special license plate was purchased.

(2) The department shall also provide to each participating college or university a list of persons who have paid for a special license plate under this subchapter.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate under this subchapter may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(i) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor vehicle may replace the special license plate with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate;

(3) A different special license plate under this subchapter; or

(4) Any other special license plate that the person is entitled to receive under this chapter.



**History.** Acts 2005, No. 2202, § 1.

**27-24-1107. Use of funds by the college or university.**

(a)(1) A participating college or university shall use all moneys collected under § 27-24-1106(b)(2) exclusively for the purpose of sponsoring college scholarships, for education programs in the field of agriculture, and for the benefit of the public.

(2) Procedures and criteria used to determine the distribution of the moneys shall be established and followed by the college or university distributing the funds derived from the special license plate program under this subchapter.

(b) Funds received from the special license plate program under this subchapter are supplementary and shall not be considered or used as income for purposes of reducing the general revenue appropriation to the college or university.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1108. Transferability.**

The special license plates issued under this subchapter may be transferred from one (1) motor vehicle to another pursuant to § 27-14-914.

**History.** Acts 2005, No. 2202, § 1.

**SUBCHAPTER 12 — FRATERNITIES AND SORORITIES**

SECTION.

- 27-24-1201. Purpose.
- 27-24-1202. Definitions.
- 27-24-1203. Authority continued.
- 27-24-1204. Additional special license plates.
- 27-24-1205. Design and approval procedure.

SECTION.

- 27-24-1206. Issuance — Renewal — Replacement.
- 27-24-1207. Disposition of fee — List.
- 27-24-1208. Use of funds.
- 27-24-1209. Limitation on remedies.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to

the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor

vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is

vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

### **27-24-1201. Purpose.**

The purpose of this subchapter is to continue the special license plates for African-American fraternities and sororities that were authorized before April 13, 2005, and to transfer the authority to the Department of Finance and Administration to issue additional fraternity and sorority special license plates.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1202. Definitions.**

As used in this subchapter, "African-American fraternity or sorority" means any one (1) of the following historically African-American fraternities or sororities:

- (1) Delta Sigma Theta;
- (2) Alpha Kappa Alpha;
- (3) Zeta Phi Beta;
- (4) Sigma Gamma Rho;
- (5) Omega Psi Phi;
- (6) Alpha Phi Alpha;
- (7) Phi Beta Sigma; or
- (8) Kappa Alpha Psi.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1203. Authority continued.**

The authority for the Department of Finance and Administration to create and issue the African-American fraternities and sororities special license plates that existed before April 13, 2005, shall continue.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1204. Additional special license plates.**

The Director of the Department of Finance and Administration shall accept requests for a special license plate for an African-American fraternity or sorority that exists at a college or university in the State of Arkansas under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1205. Design and approval procedure.**

(a) The design for a special license plate issued under this subchapter that commemorates an African-American fraternity or sorority shall be designed by the fraternity or sorority and shall be submitted for the approval of the Director of the Department of Finance and Administration.

(b) The director shall approve one (1) design for each participating fraternity or sorority.

(c)(1) If the director approves the design, the director shall determine:

(A) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(B) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(C) The combination of subdivisions (c)(1)(A) and (B) of this section that must be received to cover the cost of the initial orders of the new designs for special license plates.

(2) This fee shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration and shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenues.

(d) The director shall promulgate reasonable rules and regulations and prescribe the forms necessary for effectively carrying out the intent and purposes of this subchapter.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1206. Issuance — Renewal — Replacement.**

(a) An owner of a motor vehicle who meets the following criteria may apply for and annually renew a special license plate under this subchapter:

(1) Is a certified member or alumni member of the fraternity or sorority for which he or she is seeking a special license plate;

(2) Is a resident of the State of Arkansas;

(3) Is otherwise eligible to license a motor vehicle in this state; and

(4) Pays the additional fees for the special license plate as required under this subchapter.

(b) An applicant for a special license plate under this subchapter shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee not to exceed twenty-five dollars (\$25.00) to be determined by the Director of the Department of Finance and Administration to



cover the design-use contribution by the fraternity or sorority or for fund-raising purposes; and

(3) A handling and administrative fee in the amount of ten dollars (\$10.00).

(c) To renew a special license plate issued under this subchapter, the owner of the motor vehicle shall remit the fees under subsection (b) of this section.

(d) To replace a special license plate issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e) The Revenue Division of the Department of Finance and Administration shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis as provided under § 27-24-1207.

(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the division.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate issued under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(i) Upon the expiration of the registration of a special license plate under this subchapter, the owner of the motor vehicle may replace the special license plate with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate;

(3) A different special license plate under this subchapter; or

(4) Any other special license plate that the person is entitled to receive under this chapter.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1207. Disposition of fee — List.**

(a) Except for African-American fraternities and sororities, the Revenue Division of the Department of Finance and Administration shall remit the design-use contribution fee required under § 27-24-1206(b)(2) monthly to the endowment funds of the participating insti-

tutions of higher education in the State of Arkansas that have a chapter of the fraternity or sorority on their campus on a pro-rata basis to be used for scholarships as provided in this subchapter.

(b)(1) The division shall remit the design-use contribution fee collected for special license plates issued to African-American fraternities and sororities monthly as provided under subdivision (b)(2) of this section to the endowment funds of the following historically African-American institutions of higher education in the State of Arkansas:

- (A) The University of Arkansas at Pine Bluff;
- (B) Philander Smith College;
- (C) Arkansas Baptist College; and
- (D) Shorter College.

(2) The historically African-American institutions of higher education shall share in the funds in the following proportion:

- (A) The University of Arkansas at Pine Bluff, forty percent (40%);
- (B) Philander Smith College, twenty-five percent (25%);
- (C) Arkansas Baptist College, twenty percent (20%); and
- (D) Shorter College, fifteen percent (15%).

(c) The Department of Finance and Administration shall also provide to each participating African-American fraternity or sorority a list of persons who have paid for the special African-American fraternity or sorority license plates during the specified period.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1208. Use of funds.**

(a) An institution of higher education in the state that receives funds under this subchapter from the design-use contribution fee shall use one hundred percent (100%) of the funds exclusively for academic or need-based scholarships.

(b) Procedures and criteria used to determine the distribution of the scholarships shall be established and followed by the endowment funds of the participating institutions of higher education that distribute the funds derived from the special license plates under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1209. Limitation on remedies.**

The fraternities and sororities participating in this program shall have no recourse against the Department of Finance and Administration if any special license plate is erroneously issued or renewed without payment of the design-use authorization statement.

**History.** Acts 2005, No. 2202, § 1.

SUBCHAPTER 13 — PUBLIC AND MILITARY SERVICE RECOGNITION

SECTION.  
27-24-1301. Purpose.  
27-24-1302. Definitions.  
27-24-1303. Firefighters.  
27-24-1304. Retired state troopers.  
27-24-1305. United States Armed Forces retired.  
27-24-1306. Emergency medical technicians.

SECTION.  
27-24-1307. Additional public service special license plates with decals.  
27-24-1308. Transferability.  
27-24-1309. Limitation.  
27-24-1310. Reporting of use of proceeds.  
27-24-1311. Professional firefighters.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

27-24-1301. Purpose.

The purpose of this subchapter is to continue the special license plates for the certain public service employees, public service retirees, or military service retirees that existed before April 13, 2005, and to establish a procedure for other public service employees or retirees to obtain special license plates.

**History.** Acts 2005, No. 2202, § 1.

27-24-1302. Definitions.

As used in this subchapter:

- (1) “Firefighter” means a person who is certified by the Arkansas Fire Protection Services Board as a certified firefighter or who has retired as a firefighter;
- (2) “Professional firefighter” means a person who is in good standing with the Arkansas Professional Fire Fighters Association;



(3) "Public service" means a service provided by a city, a county, or the state government that requires licensure or certification by the person who is providing the service;

(4) "Retired member of the armed forces of the United States" means a person who presents proof of retirement in the form of retirement orders issued by one (1) of the following services of the armed forces of the United States:

- (A) The United States Army;
- (B) The United States Navy;
- (C) The United States Marine Corps;
- (D) The United States Air Force;
- (E) The United States Coast Guard; or
- (F) The National Guard; and

(5) "Retired state trooper" means a former employee of the Department of Arkansas State Police who is eligible for and is receiving retirement benefits related to the retiree's employment as a state trooper.

**History.** Acts 2005, No. 2202, § 1; added (2) and redesignated the remaining subsections accordingly.

**Amendments.** The 2007 amendment

### **27-24-1303. Firefighters.**

(a) The Department of Finance and Administration shall continue the special license plate for firefighters that existed before April 13, 2005.

(b) The department shall seek the advice of the Arkansas Fire Protection Services Board before changing the design of the special license plate under this section.

(c)(1) A firefighter may apply for and annually renew a special license plate issued under this section.

(2) The fee for the initial application for a special license plate under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle;

(B) A handling and administrative fee in the amount of ten dollars (\$10.00); and

(C) An additional fee of one dollar (\$1.00) to be deposited into the Fallen Firefighters' Memorial Fund.

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle.

(4) The replacement fee for a special license plate decal issued under this section is ten dollars (\$10.00).

(d)(1) Upon the initial application for a special license plate issued under this section, the firefighter shall provide adequate proof to the department that he or she is:

(A) Certified by the board as a firefighter; or

(B) Retired from active service as a firefighter at the time of applying for renewal.

(2) This subsection shall not require a person who has been issued a license plate under this section to present adequate proof of his or her status as a firefighter or retired firefighter to the department for the renewal of his or her license and registration.

(e)(1) The fee remitted under subdivision (c)(2)(B) of this section shall be deposited into the State Central Services Fund as direct revenue to the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(f)(1) The department shall offer a banner or tape to be attached to the special license plates issued under this section that states "Retired".

(2) The "Retired" banner or tape shall be made available to a license plate holder who establishes that he or she is a firefighter retired from active service as provided under this section.

(3) This subsection shall not be construed to require a person who has been issued a "Retired" banner or tape under this section to present adequate proof of his or her status as a retired firefighter for the renewal of his or her license and registration.

**History.** Acts 2005, No. 2202, § 1.

## **27-24-1304. Retired state troopers.**

(a) The Department of Finance and Administration shall continue the special license plate for retired state troopers that existed before April 13, 2005.

(b)(1) The Department of Finance and Administration shall design the special license plates issued under this section.

(2) In lieu of the legend "The Natural State" or any succeeding legend, there shall be placed across the bottom of the license plate a permanent decal bearing the words "Retired Arkansas State Trooper".

(c)(1) A retired state trooper may apply for and annually renew a special license plate issued under this section.

(2) The fee for the initial application for a special license plate under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle; and

(B) A handling and administrative fee in the amount of ten dollars (\$10.00).

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle.

(4) The replacement fee for a special license plate decal issued under this section is ten dollars (\$10.00).

(d) Upon the initial application of a special license plate issued under this section, the retired state trooper shall provide adequate proof to the Department of Finance and Administration that he or she is a retired state trooper of the Department of Arkansas State Police.

(e)(1) The fee remitted under subdivision (c)(2)(B) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(f) The registration of a special license plate under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1305. United States Armed Forces retired.**

(a) The Department of Finance and Administration shall continue the special license plate for retired members of the armed forces of the United States that existed before April 13, 2005.

(b)(1) The department shall design the special license plates issued under this section.

(2) In lieu of the legend, "The Natural State" or any succeeding legend, there shall be placed across the bottom of the license plate a permanent decal bearing the words "U.S. Armed Forces Retired".

(c)(1) A retired member of the armed forces may apply for and annually renew a special license plate issued under this section.

(2) The fee for the initial application for a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle.

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle.

(4) The replacement fee for a special license plate issued under this section is ten dollars (\$10.00).

(d) Upon the initial application of a special license plate issued under this section, the retired member of the armed forces shall provide adequate proof to the department that he or she is a retired member of the armed forces.

(e) The registration of a special license plate under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.



**History.** Acts 2005, No. 2202, § 1; 2007, No. 393, §§ 1, 2.

**Amendments.** The 2007 amendment, in (c), deleted (2)(B) and removed the (A) designation from the remaining provision, deleted (e) and redesignated the following subdivision accordingly; and made related changes.

### **27-24-1306. Emergency medical technicians.**

(a) The Department of Finance and Administration shall create and issue a special license plate for emergency medical technicians.

(b) The Department of Finance and Administration shall design the special license plates issued under this section.

(c) Any one (1) of the following may apply for and annually renew a special license plate issued under this section if he or she is currently certified in the State of Arkansas as:

- (1) An emergency medical technician;
- (2) An emergency medical technician paramedic;
- (3) An emergency medical technician intermediate; or
- (4) A first responder with the documented completion of forty (40) hours of curriculum approved by the United States Department of Transportation.

(d) An applicant shall remit the following fees to obtain a special license plate issued under this section for use on a motor vehicle:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A handling and administrative fee in the amount of ten dollars (\$10.00); and

(3) An additional fee of fifteen dollars (\$15.00) to be collected by the Department of Finance and Administration and remitted monthly to the Arkansas EMT Association Benevolence and Scholarship Funds.

(e)(1) The fee for the renewal of a special license plate under this section is the fee required under subsection (d) of this section.

(2) The replacement fee for a special license plate issued under this section is ten dollars (\$10.00).

(f) Upon the initial application of a special license plate issued under this section, the emergency medical technician shall provide adequate proof to the Department of Finance and Administration that he or she is certified in the State of Arkansas as one (1) of the following:

- (1) An emergency medical technician;
- (2) An emergency medical technician paramedic;
- (3) An emergency medical technician intermediate; or
- (4) A first responder with the documented completion of forty (40) hours of curriculum approved by the United States Department of Transportation.

(g)(1) The fee remitted under subdivision (d)(2)(B) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(h) The registration of a special license plate under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1307. Additional public service special license plates with decals.**

(a) The Director of the Department of Finance and Administration shall accept requests from organizations that represent public service employees, retired public service employees, or retired military service members to create and issue a special license plate decal under this subchapter.

(b)(1) The Department of Finance and Administration shall design the special license plate decal that is issued under this section.

(2) In lieu of the legend "The Natural State" or any succeeding legend, there shall be placed across the bottom of the license plate a permanent decal bearing words that describe the public service profession or the retired military service branch or organization for which the special license plate with a decal has been issued.

(c) If the request is approved, the director shall determine:

(1) The fee for the design-use contribution which shall be based on the cost of initial orders of new designs for special license plate decals;

(2) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plate decals; or

(3) The combination of subdivisions (c)(1) and (2) of this section that must be received to cover the cost of the initial orders of new designs for special license plate decals.

(d)(1) If the director approves a request for an additional special license plate decal under this section, then a person who establishes with adequate proof that he or she is a member or retiree of the public service profession or military branch may apply for and annually renew a special license plate decal.

(2) The fee for the initial application for a special license plate decal under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle; and

(B) A handling and administrative fee in the amount of ten dollars (\$10.00).

(3) The fee for the renewal of a special license plate decal under this section is the fee required by law for the registration and licensing of the motor vehicle.

(4) The replacement fee for a special license plate decal issued under this section is ten dollars (\$10.00).

(e)(1) The fees remitted under subdivisions (d)(2)(B) and (d)(4) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(f)(1) An organization that is eligible to request an additional public service license plate decal under this section may establish a fund-raising fee not to exceed twenty-five dollars (\$25.00) for the issuance and renewal of a special license plate with a permanent decal.

(2) If an organization establishes a fund-raising fee under this subsection, then the organization shall provide:

(A) Its financial plan for the use of the proceeds from the special license plate decal; and

(B) An affidavit signed by an official of the organization that states the proceeds from the special license plate decal will be used according to the financial plan submitted with the application.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1308. Transferability.**

The special license plates issued under this subchapter may be transferred from one (1) motor vehicle to another pursuant to § 27-14-914 but shall not be transferred to a person who is not entitled to receive a special license plate under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1309. Limitation.**

A person who is entitled to receive a special license plate under this subchapter shall be limited to two (2) special license plates under this subchapter.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1310. Reporting of use of proceeds.**

If an organization sponsors a special license plate or special license plate decal under this subchapter and collects a fund-raising fee, then the organization shall provide:

(1) Its financial plan for the use of the proceeds from the special license plate or special license plate with a permanent decal; and

(2) An affidavit signed by an official of the organization that states that the proceeds from the special license plate or special license plate permanent decal will be used according to the financial plan submitted with the application.



**History.** Acts 2005, No. 2202, § 1.

**27-24-1311. Professional firefighters.**

(a) The Department of Finance and Administration shall create and issue a special license plate for professional firefighters under this section.

(b)(1) The department shall seek the advice of the Arkansas Professional Fire Fighters Association regarding the design of the special license plate under this section.

(2) The Arkansas Professional Fire Fighters Association may submit up to three (3) designs to the department for its consideration.

(c)(1) A professional firefighter may apply for and annually renew a special license plate issued under this section.

(2) The fee for the initial application for a special license plate under this section is:

(A) The fee required by law for the registration and licensing of the motor vehicle;

(B) A handling and administrative fee in the amount of ten dollars (\$10.00); and

(C) An additional fee of one dollar (\$1.00) to be deposited into the Fallen Firefighters' Memorial Fund.

(3) The fee for the renewal of a special license plate under this section is the fee required by law for the registration and licensing of the motor vehicle and an additional fee of one dollar (\$1.00) to be deposited into the Fallen Firefighters' Memorial Fund.

(d)(1) Upon the initial application for a special license plate issued under this section, the professional firefighter shall provide adequate proof to the department that he or she is a member in good standing with the Arkansas Professional Fire Fighters Association.

(2) This subsection shall not require a person who has been issued a special license plate under this section to present adequate proof of his or her status as a professional firefighter to the department for the renewal of his or her license and registration.

(e) The limitation on professional firefighter special license plates issued under this section is two (2) special license plates for each household.

(f)(1) The fee remitted under subdivision (c)(2)(B) of this section shall be deposited into the State Central Services Fund as direct revenue to the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

**History.** Acts 2007, No. 590, § 2.

SUBCHAPTER 14 — SPECIAL INTEREST LICENSE PLATES

SECTION.

- 27-24-1401. Purpose.
- 27-24-1402. Existing special license plates.
- 27-24-1403. Expedited application process for certain special license plates.
- 27-24-1404. Application process for additional special interest license plate decals.

SECTION.

- 27-24-1405. Issuance — Renewal — Replacement.
- 27-24-1406. License plate options.
- 27-24-1407. Annual report.
- 27-24-1408. Realtors® special license plate.

**Effective Dates.** Acts 2005, No. 2202, § 3: Apr. 13, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the current special license plate law is being challenged in federal court on constitutional grounds; that a reclassification of the special license plates was necessary to resolve current and future issues with the special license plates; and that this act is to immediately necessary to implement a special license plate law that transfers the authority for approving the issuance of new special license plates to the Director of the Department of Finance and Administration, to continue the special license plates that existed on or before

the effective date of this act, and to authorize the Department of Finance and Administration to administratively reissue each type of special license plate that is continued under this chapter. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

27-24-1401. Purpose.

The purpose of this subchapter is to:

- (1) Continue the special license plates for the certain special interests that existed before April 13, 2005;
- (2) Establish an expedited administrative application procedure for organizations that represent a group of persons with a viewpoint that is different from the viewpoint expressed on a special license plate that existed before April 13, 2005; and
- (3) Establish an administrative procedure for other organizations to apply to the Department of Finance and Administration for the creation and issuance of a special license plate that represents their special interests.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1402. Existing special license plates.**

(a) The following special license plates that represent various special interests and that were in existence or authorized by law on or before April 13, 2005, shall continue to be issued by the Director of the Department of Finance and Administration to a motor vehicle owner who is otherwise eligible to license a motor vehicle in this state and who pays the additional fees for the special license plate unless other eligibility requirements are specifically stated in this subchapter:

- (1) Ducks Unlimited;
- (2) Committed to Education;
- (3) Choose Life;
- (4) Susan G. Komen Breast Cancer Education, Research, and Awareness;
- (5) Boy Scouts of America;
- (6) Arkansas Cattlemen's Foundation;
- (7) Organ Donor Awareness; and
- (8) Arkansas Realtors® Association.

(b) The Department of Finance and Administration shall continue to collect the fee for the design-use contribution or for fund-raising purposes, and the following organizations shall continue to receive funds and be authorized to use the funds from the fee for the design-use contribution for special license plates that were in effect before April 13, 2005, and that are continued under this subchapter:

- (1) Ducks Unlimited, Inc., for the Ducks Unlimited special license plate;
- (2) Arkansas Committed to Education Foundation for the Committed to Education special license plate;
- (3) Arkansas Right to Life for the Choose Life special license plate;
- (4) Arkansas Affiliate of the Susan G. Komen Foundation for the Susan G. Komen Breast Cancer Education, Research, and Awareness special license plate;
- (5) Boy Scouts of America, Quapaw Area Council of Arkansas, for the Boy Scouts of America special license plate;
- (6) Arkansas Cattlemen's Foundation for the Arkansas Cattlemen's Foundation special license plate; and
- (7) Arkansas Regional Organ Recovery Agency for the Organ Donor Awareness special license plate.

(c)(1) Within thirty (30) days after April 13, 2005, the director shall notify the organizations listed in subsection (b) of this section that received the funds or were authorized to use the funds from a design-use contribution fee for a special license plate that is continued under this chapter and that was in effect before April 13, 2005, and the State Highway Commission of a change in the law regarding special license plates.

(2)(A) The organization shall submit to the director an application that includes the following:

- (i) The organization's financial plan for the use of the proceeds from the special license plate; and



(ii) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(B)(i) The organization shall submit the information required under this subsection within one hundred twenty (120) days after April 13, 2005.

(ii) If the organization fails to comply with this subdivision (c)(2)(B) within one hundred twenty (120) days after April 13, 2005, then the director shall notify the organization that proceeds from the special license plate design-use contribution fee will no longer be remitted to the organization or the organization will no longer be able to use the proceeds until the organization complies with this subdivision (c)(2)(B).

(C) The department shall not remit funds to the organization or allow the organization to use the proceeds from the special license plate unless the organization complies with the provisions of this section.

(d) Every special license plate continued under this subchapter shall be discontinued on April 7, 2007, unless an application is submitted to and approved by the director ninety (90) days prior to April 1, 2007, that establishes the organization's compliance with the following conditions:

(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(2) The organization is based, headquartered, or has a chapter in Arkansas;

(3) The purpose of the organization is for social, civic, entertainment, or other purposes;

(4)(A) Except as provided under subdivision (d)(4)(B) of this section, the name of the organization is not the name of a special product, a trademark, or a brand name.

(B) Subdivision (d)(4)(A) shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;

(5)(A) Except as provided under subdivision (d)(5)(B) of this section, the name of the organization is not interpreted by the department as promoting a special product, a trademark, or a brand name.

(B) This condition shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;

(6) The organization is not a political party;

(7) The organization was not created primarily to promote a specific political belief; and

(8) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.

after the effective date of this act, the Director of the Department of Finance and Administration shall notify the Arkansas Realtors® Association and the Arkansas Realtors® Foundation, which were authorized to receive and use funds from a design-use contribution fee for a special license plate under Arkansas Code § 27-15-5301 et seq., of a change in the law regarding the Realtor® special license plate.

“(b)(1) The Arkansas Realtors® Association shall submit to the director an application that includes the following:

“(A) The association’s financial plan for the use of the proceeds from the special license plate that specifies the charitable use for the proceeds; and

“(B) An affidavit signed by an official of the association that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

“(2)(A) The association shall submit the information required under this subsection (b) within one hundred twenty (120) days after the effective date of this act.

“(B) If the association fails to comply with this subsection (b) within one hundred twenty (120) days after the effective date of this act, then the director shall notify the association that proceeds from the special license plate design-use contribution fee will no longer be remitted to the association or the association will no longer be able to use the proceeds until the association complies with this subsection (b).

“(C) The department shall not remit funds to the association or allow the association to use the proceeds from the special license plate unless the association complies with the provisions of this section.

“(c) The Arkansas Realtors® Association may designate that the proceeds be directed to a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code, as in effect on January 1, 2007, if the designated organization:

“(1) Is based, headquartered, or has a chapter in Arkansas;

“(2) Is for social, civic, entertainment, or other purposes;

“(3) Except as provided under subdivision (c)(3)(B) of this section, uses the name of the organization and the name of

the organization is not the name of a special product, a trademark, or a brand name.

“(B) This condition shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;

“(4)(A) Except as provided under subdivision (c)(4)(B) of this section, the name of the organization is not interpreted by the department as promoting a special product, a trademark, or a brand name.

“(B) This condition shall not apply to a trademark if the organization or entity with control of the trademark has provided a written authorization for its use;

“(5) The organization is not a political party;

“(6) The organization was not created primarily to promote a specific political belief; and

“(7) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.

“(d) The Arkansas Realtors® Association may change the designee under subsection (c) of this section upon written notice to the Director of the Department of Finance and Administration that includes the documentation required by the director for such a change.

“(e) Any funds from a design-use contribution fee for a Realtor® special license plate under Arkansas Code § 27-15-5301 et seq., received by the Director of the Department of Finance and Administration before the effective date of this act shall be disbursed according to the financial plan submitted by the Arkansas Realtors® Association as provided under subdivision (b)(1) of this section.”

**Amendments.** The 2007 amendment, in (a), inserted “or authorized by law” and added “unless other eligibility requirements are specifically stated in this subchapter”; added (a)(8); added the (a)(4)(A) designation; in (a)(4)(A), substituted “Except as provided under subdivision (d)(4)(B) of this section, the” for “The” and inserted “a trademark” following “product”; added (d)(4)(B); added the (d)(5)(A) designation; in (d)(5)(A), substituted “Except as provided under subdivision (d)(5)(B) of this section, the” for “The” and inserted “a trademark” following “product”; added (d)(5)(B); and made minor stylistic changes.



**27-24-1403. Expedited application process for certain special license plates.**

(a) An organization that represents a group of persons with a viewpoint that is different from the viewpoint expressed on a special license plate that existed before April 13, 2005, may apply and request the expedited application process for the Department of Finance and Administration to create and issue a special license plate for the organization's viewpoint.

(b)(1) An application submitted under this section shall include the following:

(A) A proposed design of the special license plate that complies with § 27-24-105(b) and related rules;

(B) Documentation to support that the organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(C) The organization's financial plan for the use of the proceeds from the special license plate; and

(D) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(2) The department shall either approve or deny an application under this section within sixty (60) days after receipt of the application.

(c)(1)(A) If the Director of the Department of Finance and Administration approves the application, then he or she shall determine:

(i) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(ii) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(iii) The combination of subdivisions (c)(1)(A)(i) and (ii) of this section that must be received to cover the cost of the initial orders of new designs for special license plates.

(B)(i) The fee remitted under subdivision (c)(1)(A)(i) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(ii) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(iii) The fee shall not be considered or credited to the division as direct revenue.

(2) If the director denies the application, then:

(A) The director shall give the applicant written notice of the reasons for the denial; and

(B) The applicant may:

(i) Proceed as provided under § 27-24-107; or

(ii) Apply for a special interest license plate under § 27-24-1405.



(d)(1) An organization that applies for the issuance of a special license plate under this section may establish a fee not to exceed twenty-five dollars (\$25.00) for the design-use contribution or for fund-raising purposes for the issuance and renewal of a special license plate.

(2) If an organization establishes a fee for the design-use contribution or fund-raising purposes under this subsection, then the organization shall provide:

(A) Its financial plan for the use of the proceeds from the special license plate; and

(B) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(e) An organization's application for a special license plate under this section shall establish the organization's compliance with the following conditions:

(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(2) The organization is based, headquartered, or has a chapter in Arkansas;

(3) The purpose of the organization is for social, civic, entertainment, or other purposes;

(4) The name of the organization is not the name of a special product or a brand name;

(5) The name of the organization is not interpreted by the department as promoting a special product or a brand name;

(6) The organization is not a political party;

(7) The organization was not created primarily to promote a specific political belief; and

(8) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.

(f) This section shall expire on April 1, 2007.

**History.** Acts 2005, No. 2202, § 1.

#### **27-24-1404. Application process for additional special interest license plate decals.**

(a) A special interest organization may apply to the Director of the Department of Finance and Administration for the creation and issuance of a special license plate that bears a decal for the special interest group under this section beginning on July 1, 2006, and ending on November 1, 2006, and on the same dates each year thereafter.

(b)(1) An application submitted under this section shall include the following:

(A) A proposed design of the special license plate decal that complies with § 27-24-105(c) and related rules;

(B) Documentation to support that the organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(C) The organization's financial plan for the use of the proceeds from the special license plate decal; and

(D) An affidavit signed by an official of the organization that states that the proceeds from the special license plate decal will be used according to the financial plan submitted with the application.

(2) The director shall either approve or deny each application submitted during the fiscal year by July 1 of the following fiscal year.

(c)(1)(A) If the request is approved, the director shall determine:

(i) The fee for the cost of initial orders of new designs for special license plates which shall be based on the cost of initial orders of new designs for special license plates;

(ii) The number of applications that must be received to cover the cost of the initial orders of new designs for special license plates; or

(iii) The combination of subdivisions (c)(1)(A)(i) and (ii) of this section that must be received to cover the cost of the initial orders of new designs for special license plates.

(B)(i) The fee remitted under subdivision (c)(1)(A) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(ii) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(iii) The fee shall not be considered or credited to the division as direct revenue.

(2) If the director denies the application, then:

(A) The director shall give the applicant written notice of the reasons for the denial; and

(B) The applicant may proceed as provided under § 27-24-106.

(d)(1) An organization that applies for the issuance of a special license plate under this section may establish a fee not to exceed twenty-five dollars (\$25.00) for the design-use contribution or for fund-raising purposes for the issuance and renewal of a special license plate.

(2) If an organization establishes a fee for the design-use contribution or fund-raising purposes under this subsection, then the organization shall provide:

(A) Its financial plan for the use of the proceeds from the special license plate; and

(B) An affidavit signed by an official of the organization that states that the proceeds from the special license plate will be used according to the financial plan submitted with the application.

(e) An organization's application for a special license plate under this section shall establish the organization's compliance with the following conditions:

(1) The organization is a state agency or a nonprofit organization that has been approved for tax exempt status under Section 501(c)(3) of the Internal Revenue Code as in effect on January 1, 2005;

(2) The organization is based, headquartered, or has a chapter in Arkansas;

(3) The purpose of the organization is for social, civic, entertainment, or other purposes;

(4) The name of the organization is not the name of a special product or a brand name;

(5) The name of the organization is not interpreted by the department as promoting a special product or a brand name;

(6) The organization is not a political party;

(7) The organization was not created primarily to promote a specific political belief; and

(8) The organization shall not have as its primary purpose the promotion of any specific religion, faith, or anti-religion.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1405. Issuance — Renewal — Replacement.**

(a) The owner of a motor vehicle who is a resident of the State of Arkansas may apply for and annually renew a special license plate or a special license plate that bears a decal that is issued under this subchapter.

(b) An applicant for a special license plate or for a special license plate that bears a decal under this subchapter shall remit the following fees:

(1) The fee required by law for the registration and licensing of the motor vehicle;

(2) A fee to cover the design-use contribution or for fund-raising purposes by the special interest organization; and

(3) A handling and administrative fee in the amount of ten dollars (\$10.00).

(c) To renew a special license plate or a special license plate that bears a decal issued under this subchapter, the owner of the motor vehicle shall remit the fees under subsection (b) of this section.

(d) To replace a special license plate or a special license plate that bears a decal issued under this subchapter:

(1) The owner of the motor vehicle shall remit the fee stated in subdivision (b)(3) of this section if the registration has not expired; or

(2) The owner of the motor vehicle shall remit the fees stated in subsection (b) of this section if the registration has expired.

(e) The Revenue Division of the Department of Finance and Administration shall remit the fees collected under subdivision (b)(2) of this section on a monthly basis to the special interest organization for which each special license plate was purchased.



(f)(1) The fee remitted under subdivision (b)(3) of this section shall be deposited into the State Central Services Fund for the benefit of the division.

(2) The fee shall be credited as supplemental and in addition to all other funds as may be deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate or a special license plate that bears a decal issued under this section may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) If an owner of a motor vehicle who was previously issued a special license plate or a special license plate that bears a decal under this subchapter fails to pay the fees required in subsection (c) of this section at the time of renewal, the owner shall be issued a permanent license plate as provided under §§ 27-14-1007 and 27-14-1008.

(i) Upon the expiration of the registration of a special license plate or special license plate that bears a decal under this subchapter, the owner of the motor vehicle may replace the special license plate or special license plate that bears a decal with:

(1) A permanent license plate under §§ 27-14-1007 and 27-14-1008;

(2) A personalized license plate;

(3) A different special license plate under this subchapter; or

(4) Any other special license plate that the person is entitled to receive under this chapter.

**History.** Acts 2005, No. 2202, § 1.

### **27-24-1406. License plate options.**

(a) A motor vehicle owner applying for a special license plate under this subchapter may:

(1) Have a license plate assigned by the Department of Finance and Administration as provided by law; or

(2) Apply for a special personalized prestige license plate pursuant to §§ 27-14-1101 and 27-14-1102.

(b)(1) A motor vehicle owner who chooses to apply for a special personalized prestige license plate under subdivision (a)(2) of this section shall be required to pay an additional application and renewal fee not to exceed twenty dollars (\$20.00).

(2) The use of letters and numbers on a personalized prestige license plate under this section shall be limited by the rules of the Director of the Department of Finance and Administration.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1407. Annual report.**

(a) A special interest organization that is the sponsor of a special license plate or a special license plate that bears a decal under this subchapter shall prepare and submit an annual accounting report to the Director of the Department of Finance and Administration by December 1 of each calendar year.

(b) The report shall include an accounting of the revenues and expenditures associated with the design-use contribution fee charged for the special license plate or the special license plate that bears a decal.

(c) If the special interest organization fails to comply with this section, then the director may:

(1) Suspend the issuance of a special license plate or special license plate that bears a decal under this subchapter; or

(2) Suspend the payment of the design-use contribution fee to the special interest organization.

**History.** Acts 2005, No. 2202, § 1.

**27-24-1408. Realtors® special license plate.**

(a) The purpose of this section is to continue the eligibility requirements for the issuance of a special license plate for Realtors® under § 27-15-5303 [repealed].

(b)(1) The Department of Finance and Administration shall require proof of eligibility for a Realtors® special license plate issued under this subchapter.

(2) The applicant shall present proof that he or she is a member in good standing of the National Association of Realtors®.

(3) To establish membership in the National Association of Realtors®, the applicant shall present his or her membership card.

**History.** Acts 2007, No. 451, § 2.

**SUBCHAPTER 15 — STREET ROD SPECIAL LICENSE PLATES****SECTION.**

27-24-1501. Purpose.

27-24-1502. Definitions.

27-24-1503. Application — Issuance —  
Renewal — Replacement.

**SECTION.**

27-24-1504. Titling.

27-24-1505. Equipment.

**27-24-1501. Purpose.**

The purpose of this subchapter is to:

(1) Continue the street rod special license plates that existed before the effective date of this subchapter; and

(2) Make modifications that are necessary to the law because of industry advancements and the growing popularity of street rods.

**History.** Acts 2007, No. 340, § 1.

### **27-24-1502. Definitions.**

As used in this subchapter:

(1) "Blue dot tail light" means a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch (1") in diameter;

(2) "Custom vehicle" means a motor vehicle that:

(A)(i) Is at least twenty-five (25) years old and of a model year after 1948; or

(ii) Was manufactured to resemble a vehicle twenty-five (25) or more years old and of a model year after 1948; and

(B)(i) Has been altered from the manufacturer's original design; or

(ii) Has a body constructed from non-original materials; and

(3) "Street rod" means a motor vehicle that:

(A) Is a 1948 or older vehicle or the vehicle was manufactured after 1948 to resemble a vehicle manufactured before 1949; and

(B) Has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

**History.** Acts 2007, No. 340, § 1.

### **27-24-1503. Application — Issuance — Renewal — Replacement.**

(a)(1) The owner of a street rod or a custom vehicle who is a resident of the State of Arkansas may apply for and annually renew a special license plate or a special license plate that bears a decal that is issued under this subchapter.

(2) The application for registration of a street rod or a custom vehicle under this subchapter shall include an affidavit to be completed by the owner of the street rod or custom vehicle which states that the street rod or custom vehicle:

(A) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, or similar uses; and

(B) Will not be used for general daily transportation.

(b)(1) An applicant for a special license plate or for a special license plate that bears a decal under this subchapter shall remit to the Office of Motor Vehicle payment of a one-time initial fee of fifty dollars (\$50.00) for each street rod or custom vehicle.

(2) An applicant for renewal of a special license plate issued under § 27-15-4003 [repealed] shall not be required to resubmit this initial fee.

(c) The office shall furnish to the owner of a street rod or custom vehicle who complies with the requirements of subsections (a) and (b) of this section a special license plate or special license plate that bears a decal to be displayed on the street rod or custom vehicle in lieu of the usual license plate.

(d) To renew a special license plate or a special license plate that bears a decal issued under this subchapter or under prior law, the



owner of the street rod or custom vehicle shall remit an annual fee of twenty-five dollars (\$25.00).

(e)(1) To replace a special license plate or a special license plate that bears a decal issued under this subchapter, the owner of the street rod or custom vehicle shall remit to the office a fee of ten dollars (\$10.00) if the registration has not expired.

(2) The owner of the street rod or custom vehicle shall remit to the office the fees stated in subsection (d) of this section if the registration has expired.

(f)(1) The fee remitted to the office under subdivision (e) of this section shall be deposited into the State Central Services Fund for the benefit of the Revenue Division of the Department of Finance and Administration.

(2) The fee shall be credited as supplemental and in addition to all other funds deposited for the benefit of the division.

(3) The fee shall not be considered or credited to the division as direct revenue.

(g) The registration of a special license plate or a special license plate that bears a decal issued under this subchapter may:

(1) Continue from year to year as long as it is renewed each year within the time and manner required by law; and

(2) Be renewed as provided under §§ 27-14-1012 and 27-14-1013.

(h) A street rod or custom vehicle shall not be eligible for any other licensing of a motor vehicle except as provided in this subchapter.

(i) The office shall consult with the street rod community and custom vehicle community in the state before changing the design of the special license plate or special license plate decal issued under this subchapter.

**History.** Acts 2007, No. 340, § 1.

#### **27-24-1504. Titling.**

(a) The model year and the year of manufacture that are listed on the certificate of title of a street rod or custom vehicle shall be the model year and year of manufacture that the body of the street rod or custom vehicle resembles.

(b) If a street rod or custom vehicle is a replica or reproduction of an original production vehicle, the certificate of title shall include the term "Replica" in the remarks section.

**History.** Acts 2007, No. 340, § 1.

#### **27-24-1505. Equipment.**

(a) Unless the presence of the equipment was specifically required by the law of this state as a condition of sale in the year listed as the year of manufacture on the certificate of title, the presence of any specific equipment, including without limitation emission controls, is not required for the operation of a street rod or custom vehicle registered under this subchapter.

(b) A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

**History.** Acts 2007, No. 340, § 1.

## CHAPTERS 25-31

[Reserved]

### *SUBTITLE 3. MOTOR VEHICLES AND THEIR EQUIPMENT*

## CHAPTER 32

### INSPECTION OF MOTOR VEHICLES

#### SUBCHAPTER

1. MOTOR VEHICLE SAFETY.
2. COMMERCIAL USE VEHICLES. [REPEALED.]

**Publisher's Notes.** Former Chapter 32, concerning inspection of motor vehicles, was repealed by Acts 1997, No. 974, § 8, effective January 1, 1998. The former chapter was derived from the following sources:

27-32-101. Acts 1967, No. 638, § 1; A.S.A. 1947, § 75-2101; Acts 1989 (3rd Ex. Sess.), No. 86, § 4.

27-32-102. Acts 1967, No. 638, §§ 11, 16; 1969, No. 140, § 1; 1969, No. 143, § 1; 1977, No. 724, § 1; 1979, No. 23, § 1; A.S.A. 1947, §§ 75-2111, 75-2115.

27-32-103. Acts 1967, No. 638, § 9; 1969, No. 146, § 1; 1969, No. 193, § 1; A.S.A. 1947, § 75-2109.

27-32-104. Acts 1967, No. 638, § 2; A.S.A. 1947, § 75-2102.

27-32-105. Acts 1967, No. 638, § 14; 1971, No. 827, § 1; A.S.A. 1947, § 75-2114.

27-32-106. Acts 1967, No. 638, § 12; A.S.A. 1947, § 75-2112.

27-32-107. Acts 1967, No. 638, § 4; 1971, No. 827, § 1; A.S.A. 1947, § 75-2114.

27-32-108. Acts 1967, No. 638, § 13; A.S.A. 1947, § 75-2113; Acts 1995, No. 268, § 4.

27-32-109. Acts 1967, No. 638, § 3; 1969, No. 13, § 1; 1977, No. 729, § 1; A.S.A. 1947, § 75-2103.

27-32-110. Acts 1967, No. 638, §§ 4, 5, 10; 1977, No. 667, §§ 1, 2; A.S.A. 1947, §§ 75-2104, 75-2105, 75-2110; Acts 1989 (3rd Ex. Sess.), No. 86, §§ 5, 6.

27-32-111. Acts 1967, No. 638, § 6; A.S.A. 1947, § 75-2106.

27-32-112. Acts 1967, No. 638, § 5; 1977, No. 667, § 2; 1979, No. 138, § 1; A.S.A. 1947, § 75-2105; Acts 1989 (3rd Ex. Sess.), No. 86, § 7; 1993, No. 213, § 1; 1995, No. 614, § 1.

27-32-113. Acts 1967, No. 638, § 7; A.S.A. 1947, § 75-2107.

27-32-114. Acts 1967, No. 638, § 8; A.S.A. 1947, § 75-2108.

27-32-115. Acts 1967, No. 638, § 14; 1971, No. 827, § 1; A.S.A. 1947, § 75-2114.

27-32-116. Acts 1967, No. 638, § 4; 1977, No. 667, § 1; A.S.A. 1947, § 75-2104; Acts 1989 (3rd Ex. Sess.), No. 86, § 8.

27-32-117. Acts 1995, No. 614, § 2.

**Effective Dates.** Acts 1997, No. 974, § 21: Jan. 1, 1998.

**SUBCHAPTER 1 — MOTOR VEHICLE SAFETY****SECTION.**

27-32-101. Vehicles to be in safe mechanical condition.

**SECTION.**

27-32-102. Penalty for operating an unsafe vehicle.

**27-32-101. Vehicles to be in safe mechanical condition.**

(a)(1) No person shall drive or move any vehicle subject to registration on any highway in this state unless the equipment on the vehicle is in good working order and adjustment as required for the vehicle's safe operation and unless the vehicle is in safe mechanical condition as not to endanger the driver, other occupants of the vehicle, or any other person.

(2)(A) Any law enforcement officer having reason to believe that a vehicle may have safety defects shall have cause to stop the vehicle and inspect for safety defects.

(B) Should the officer determine that the vehicle is defective, he or she shall issue to the operator a safety compliance summons directing the operator to have the defect corrected.

(b) Any certified police officer upon reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or repair require the driver of the motor vehicle to stop and submit the vehicle to an inspection and test as may be appropriate.

(c) In the event that the use of a vehicle in its present condition would, in the reasonable judgment of the officer, endanger the life of any member of the public, the officer may issue to the operator a citation for operating an unsafe vehicle and may require the vehicle to be parked at the owner's expense and not operated until it is made safe.

(d) The intent of this section is to make the vehicle operator aware of any vehicle safety defects and to provide the operator a reasonable opportunity to make necessary repairs without requiring the issuance of a citation which may result in the levying of fines and court costs.

**History.** Acts 1997, No. 974, § 9.

**A.C.R.C. Notes.** Acts 1997, No. 974, § 19, codified as § 27-3-103, provided: "The Director of the Department of Fi-

nance and Administration shall have the authority to promulgate such regulations as are necessary to implement and administer the provisions of this Act."

**CASE NOTES****Justifiable Stop.**

Although § 27-36-216 merely requires at least two stop lamps on an automobile, police officer's stop of vehicle on which two left rear brake lights and one of the two

right rear brake lights were functioning was justifiable and lawful. *Enzor v. State*, 262 Ark. 545, 559 S.W.2d 148 (1977) (decision under prior law).



**27-32-102. Penalty for operating an unsafe vehicle.**

Any person found guilty of operating an unsafe vehicle shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250).

**History.** Acts 1997, No. 974, § 10.

**A.C.R.C. Notes.** Acts 1997, No. 974, § 19, codified as § 27-3-103, provided: "The Director of the Department of Fi-

nance and Administration shall have the authority to promulgate such regulations as are necessary to implement and administer the provisions of this Act."

**SUBCHAPTER 2 — COMMERCIAL USE VEHICLES**

SECTION.

27-32-201. [Repealed.]

**27-32-201. [Repealed.]**

**Publisher's Notes.** This section, concerning the annual inspection of certain commercial motor vehicles, was repealed

by Acts 2003, No. 217, § 4. The section was derived from Acts 1997, No. 974, § 11.

**CHAPTER 33****VEHICLE EQUIPMENT SAFETY COMPACT**

SECTION.

27-33-101. Adoption of compact.

27-33-102. Executive head defined.

27-33-103. Legislative findings.

27-33-104. Compact commissioner — Alternate.

27-33-105. Cooperation by state entities.

SECTION.

27-33-106. Submission of budget.

27-33-107. Inspection of accounts.

27-33-108. Filing of documents — Notices.

27-33-109. Approval required for rules and regulations.

**27-33-101. Adoption of compact.**

The Vehicle Equipment Safety Compact is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

**VEHICLE EQUIPMENT SAFETY COMPACT****ARTICLE I****Findings and Purposes**

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations, and codes relating to vehicle equipment, and to

accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

## ARTICLE II

### Definitions

As used in the compact:

(a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

## ARTICLE III

### The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission. The commission shall be composed of one (1) commissioner from each party state who shall be appointed, serve, and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in

the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

(b) The commissioners shall be entitled to one (1) vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The commission shall have a seal.

(d) The commission shall elect annually from among its members, a chairman, a vice chairman, and a treasurer. The commission may appoint an executive director and fix his duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director also shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel, or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove, or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The commission may borrow, accept, or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize, and dispose of the same.

(i) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The



commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

## ARTICLE IV

### Research and Testing

The commission shall have power to:

(a) Collect, correlate, analyze, and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one (1) or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations, or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

## ARTICLE V

### Vehicular Equipment

(a) In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this article. No less than sixty days after the publication of a report containing the results of such study the commission, upon due notice, shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations, or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations, and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The commission shall send prompt notice of its action in issuing any rule, regulation, or code pursuant to this article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation, or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation, or code. In such event, the commissioner of such party state shall submit any commission rule, regulation, or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this article, the appropriate motor vehicle agency of a party state shall, in accordance with its constitution or procedural laws adopt the rule, regulation, or code within six (6) months of the sending of the notice, and, upon such adoption, the rule, regulation, or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation, or code issued by the commission pursuant to this article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation, or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

## ARTICLE VI

### Finance

(a) The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be



appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third ( $\frac{1}{3}$ ) in equal shares and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article III (h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

## ARTICLE VII

### Conflict of Interest

(a) The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale, or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigation, or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment, or business, any violation of a commission rule or regula-



tion adopted pursuant to this article shall require the immediate discharge of any violating employee and the immediate vacating of membership or relinquishing of status as a member of the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

(b) Nothing contained in this article shall be deemed to prevent a contractor for the commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

## ARTICLE VIII

### Advisory and Technical Committees

The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

## ARTICLE IX

### Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six (6) or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one (1) year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

## ARTICLE X

### Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person, or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the

compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

**History.** Acts 1965, No. 5, § 1; A.S.A. 1947, § 75-2001.

### **27-33-102. Executive head defined.**

The term “executive head” as used in Article IX(b) of the compact shall, with reference to this state, mean the Governor.

**History.** Acts 1965, No. 5, § 9; A.S.A. 1947, § 75-2009.

### **27-33-103. Legislative findings.**

The General Assembly finds that:

(1) The public safety necessitates the continuous development, modernization, and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion;

(2) The public safety further requires that these standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation; and

(3) The Commissioner of Motor Vehicles acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact, provides a just, equitable, and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

**History.** Acts 1965, No. 5, § 2; A.S.A. 1947, § 75-2002.

### **27-33-104. Compact commissioner — Alternate.**

(a) The commissioner of this state on the Vehicle Equipment Safety Commission shall be the Commissioner of Motor Vehicles who shall serve during his continuance as commissioner.

(b)(1) The commissioner of this state appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place and stead on the Vehicle Equipment Safety Commission.

(2) Subject to the provisions of the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and responsibilities of the alternate shall be as determined by the commissioner designating the alternate.

**History.** Acts 1965, No. 5, § 4; A.S.A. 1947, § 75-2004.

**27-33-105. Cooperation by state entities.**

(a) Within appropriations available therefor, the departments, agencies, and officers of the government of this state may cooperate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Article III (h) of the compact.

(b) The departments, agencies, and officers of the government of this state are authorized generally to cooperate with the commission.

**History.** Acts 1965, No. 5, § 5; A.S.A. 1947, § 75-2005.

**27-33-106. Submission of budget.**

Pursuant to Article VI (a) of the compact, the Vehicle Equipment Safety Commission shall submit its budgets to the Chief Fiscal Officer of the State.

**History.** Acts 1965, No. 5, § 7; A.S.A. 1947, § 75-2007.

**27-33-107. Inspection of accounts.**

Pursuant to Article VI (e) of the compact, the Division of Legislative Audit is empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

**History.** Acts 1965, No. 5, § 8; A.S.A. 1947, § 75-2008.

**27-33-108. Filing of documents — Notices.**

(a) Filing of documents as required by Article III (j) of the compact shall be with the Secretary of State.

(b) Any and all notices required by commission bylaws to be given pursuant to Article III (j) of the compact shall be given to the commissioner of this state.

**History.** Acts 1965, No. 5, § 6; A.S.A. 1947, § 75-2006.

**27-33-109. Approval required for rules and regulations.**

Pursuant to Article V (e) of the Vehicle Equipment Safety Compact, it is the intention of this state, and it is provided that no rule, regulation, or code issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact shall take effect until approved by an act of the General Assembly.

**History.** Acts 1965, No. 5, § 3; A.S.A. 1947, § 75-2003.



CHAPTER 34  
CHILD PASSENGER PROTECTION ACT

SECTION.	SECTION.
27-34-101. Title.	27-34-106. Effect of noncompliance.
27-34-102. Legislative intent.	27-34-107. Arkansas Child Passenger Protection Fund.
27-34-103. Penalty.	27-34-108. Public Safety Fund — Creation.
27-34-104. Requirements.	
27-34-105. Exceptions.	

**Effective Dates.** Acts 1983, No. 749, § 9; Aug. 1, 1983.  
Acts 2003, No. 1776, § 4; Apr. 22, 2003.  
Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that present law is unclear as to whether seatbelts and safety restraint systems must be properly secured to vehicles; that this law cures that ambiguity; and until this act goes into effect, the safety of children and disabled people riding in motor vehicles may

be compromised. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

RESEARCH REFERENCES

**A.L.R.** Validity of routine roadblocks by the state or local police for purpose of discovery of vehicular or driving violations. 37 A.L.R.4th 10.  
**U. Ark. Little Rock L.J.** Legislation of the 1983 General Assembly, Juvenile Law, 6 U. Ark. Little Rock L.J. 631.  
Legislative Survey, Torts, 8 U. Ark. Little Rock L.J. 607.

27-34-101. Title.

This chapter shall be known as the "Child Passenger Protection Act".

**History.** Acts 1983, No. 749, § 1; A.S.A. 1947, § 75-2601.

27-34-102. Legislative intent.

It is the legislative intent that all state, university, county, and local law enforcement agencies, as well as all physicians and hospitals, in recognition of the problems, including death and serious injury, associated with unrestrained children in motor vehicles, conduct a continuing safety and public awareness campaign so as to encourage and promote the use of child passenger safety seats.

**History.** Acts 1983, No. 749, § 7; A.S.A. 1947, § 75-2607.

**27-34-103. Penalty.**

(a) Any person who violates this chapter shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100).

(b) In determining the amount of fine to be assessed under this section, any court hearing the matter shall consider whether, if the offense is for failure to secure the child in a child passenger safety seat properly secured to the vehicle, the child was restrained by some alternative means such as seat safety belts properly secured to the vehicle.

(c) Upon satisfactory proof being presented to the court that the defendant has acquired, purchased, or rented an approved child passenger safety seat as described in § 27-34-104, the court shall assess no more than the minimum fine allowed.

**History.** Acts 1983, No. 749, § 4; A.S.A. 1947, § 75-2604; Acts 1995, No. 1274, § 1; 2003, No. 1776, § 2.

**Cross References.** Safety equipment generally, § 27-37-201 et seq.

**27-34-104. Requirements.**

(a) Every driver who transports a child under fifteen (15) years of age in a passenger automobile, van, or pickup truck, other than one (1) operated for hire, which is registered in this or any other state, shall provide while the motor vehicle is in motion and operated on a public road, street, or highway of this state for the protection of the child by properly placing, maintaining, and securing the child in a child passenger restraint system properly secured to the vehicle and meeting applicable federal motor vehicle safety standards in effect on January 1, 1995.

(b) A child who is less than six (6) years of age and who weighs less than sixty pounds (60 lbs.) shall be restrained in a child passenger safety seat properly secured to the vehicle.

(c) If a child is at least six (6) years of age or at least sixty pounds (60 lbs.) in weight, a safety belt properly secured to the vehicle shall be sufficient to meet the requirements of this section.

**History.** Acts 1983, No. 749, § 2; A.S.A. 1947, § 75-2602; Acts 1995, No. 1274, § 2; 2001, No. 470, § 1; 2003, No. 1776, § 3.

**Cross References.** Safety equipment generally, § 27-37-201 et seq.

**27-34-105. Exceptions.**

The provisions of this chapter shall not apply when any one (1) of the following conditions exist:

(1) The motor vehicle is being used as an ambulance or other emergency vehicle;

(2) When an emergency exists that threatens:

(A) The life of any person operating a motor vehicle to whom this section otherwise would apply; or

(B) The life of any child who otherwise would be required to be restrained under this chapter; or

(3) If any child who would otherwise be required to be restrained under this chapter is physically unable because of medical reasons to use a child passenger safety seat system or seat safety belt.

**History.** Acts 1983, No. 749, § 3; A.S.A. 1947, § 75-2603; Acts 1995, No. 1274, § 3.

### **27-34-106. Effect of noncompliance.**

(a) The failure to provide or use a child passenger safety seat shall not be considered, under any circumstances, as evidence of comparative or contributory negligence, nor shall failure be admissible as evidence in the trial of any civil action with regard to negligence.

(b) Neither shall the failure to provide or use a child passenger safety seat be considered, under any circumstances, as evidence in any prosecution for negligent homicide.

**History.** Acts 1983, No. 749, § 6; 1985, No. 551, § 1; A.S.A. 1947, § 75-2606.

### **CASE NOTES**

**Purpose.**

Subsection (a) of this section embodies a policy choice by the legislature not to

permit apportionment of damages for failure to use child safety seats. *Potts v. Benjamin*, 882 F.2d 1320 (8th Cir. 1989).

### **27-34-107. Arkansas Child Passenger Protection Fund.**

(a)(1) A special fund is created which shall be known as the "Arkansas Child Passenger Protection Fund".

(2) The Arkansas Child Passenger Protection Fund shall consist of:

(A) Seventy-five percent (75%) of all fines that are collected for violations of this chapter, which shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office, to be deposited into the Arkansas Child Passenger Protection Fund; and

(B) Other moneys that may be appropriated, allocated, or donated for the purpose of being placed in the Arkansas Child Passenger Protection Fund.

(b)(1) The Arkansas Highway Safety Program shall earmark at least fifty percent (50%) of the annual expenditures from the Arkansas Child Passenger Protection Fund for the purchase of child passenger safety seats.

(2) If annual funds generated by the fund support the expenditure and if the needs of the program justify the expenditure, the program shall maintain an annual expenditure of at least one hundred thousand dollars (\$100,000) for child passenger safety seats.



(3) The child passenger safety seats purchased by the program shall be loaned or rented to hospitals or other groups or individuals, who may lend or rent the child passenger safety seats to others for the purpose of transporting children.

(c) After the expenditures described in subsection (b) of this section, the program shall earmark the balance of moneys in the fund:

(1) To conduct continuing education and public awareness concerning child passenger safety;

(2) To encourage and promote proper use of child safety seats and safety belts; and

(3) For highway safety planning and administration.

**History.** Acts 1983, No. 749, § 5; A.S.A. 1947, § 75-2605; Acts 1995, No. 1274, § 4; 2003, No. 1765, § 35; 2005, No. 878, § 1; 2005, No. 1934, § 20; 2007, No. 827, § 235.

**Amendments.** The 2005 amendment by No. 878 inserted “earmark at least fifty percent (50%) of the annual expenditures from the Arkansas Child Passenger Protection Fund for the” in (b)(1); inserted (b)(2); redesignated former (b)(2) as present (b)(3); substituted “Arkansas

Highway Safety Program” for “program” in present (b)(3); and added (c).

The 2005 amendment by No. 1934 added (a)(4); and in (a)(3) substituted “town or city” for “municipalities” and inserted “to be deposited in a fund called the Public Safety Fund,” and “solely.”

The 2007 amendment deleted (a)(3) and (4).

**Cross References.** Arkansas Child Passenger Protection Fund, § 19-6-443.

**27-34-108. Public Safety Fund — Creation.**

(a) A town or city that collects fines pursuant to this subchapter shall retain twenty-five percent (25%) of the fines collected and deposit them into a fund called the Public Safety Fund, to be used solely for the promotion of public safety.

(b) A district court that is funded solely by the county and collects fines pursuant to this chapter shall retain twenty-five percent (25%) of the fines collected and deposit them into the fund, to be used solely for the promotion of public safety.

**History.** Acts 2007, No. 827, § 236.

**CHAPTER 35**

**SIZE AND LOAD REGULATIONS**

**SUBCHAPTER.**

- 1. GENERAL PROVISIONS.
- 2. WEIGHTS AND DIMENSIONS.
- 3. MANUFACTURED HOMES AND HOUSES.

**RESEARCH REFERENCES**

**Am. Jur.** 7A Am. Jur. 2d, Auto., § 232      **C.J.S.** 60 C.J.S., Motor Veh., §§ 43, 44.  
et seq.

## SUBCHAPTER 1 — GENERAL PROVISIONS

### SECTION.

- 27-35-101. Violations.
- 27-35-102. Certain vehicles exempted.
- 27-35-103. Scope and effect of regulations.
- 27-35-104. Riding in spaces not for passengers.
- 27-35-105. Projecting loads on passenger vehicles.
- 27-35-106. Extension of load beyond vehicle front.
- 27-35-107. Registration of gross weight.
- 27-35-108. Authority to weigh vehicles and require removal of excess loads.

### SECTION.

- 27-35-109. Liability for damage to highway or structure.
- 27-35-110. Spilling loads on highways prohibited — Covers required for loads of sand, gravel, and rock — Exceptions.
- 27-35-111. Trailers and towed vehicles.
- 27-35-112. Towing vehicles licensed in other states.
- 27-35-113. [Repealed.]

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**Effective Dates.** Acts 1995, No. 851, § 10: Mar. 31, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly of the State of Arkansas that the current provisions of Arkansas law providing for penalties for overweight violations are wholly inadequate as a deterrent to unlawful movements of overweight vehicles and that only by the immediate implementation of new penalties by this act may this problem be solved. Therefore, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 2003, No. 331, § 3: Mar. 6, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the economic recession has created an extremely competitive environment for transporting over-length loads of manufactured goods and commodities; that requiring two (2)

escort vehicles for over-length loads and imposing additional registration requirements for escort vehicles increases transportation costs for Arkansas' manufacturers and shippers; that other provisions of Arkansas law authorize the Arkansas Highway and Transportation Department to impose escort vehicle requirements and specify escort vehicle standards when issuing and administering permits for loads restricted by law; and this act is immediately necessary because all transportation costs must be kept competitive to keep jobs in Arkansas. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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### 27-35-101. Violations.

It is a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway, any vehicle of a size or weight exceeding the limitations stated in this subchapter or otherwise in violation of this subchapter.

**History.** Acts 1937, No. 300, § 139; Pope's Dig., § 6799; Acts 1959, No. 307, § 53; A.S.A. 1947, § 75-801.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## 27-35-102. Certain vehicles exempted.

The provisions of this subchapter governing size, weight, and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as provided in this subchapter.

**History.** Acts 1937, No. 300, § 139; Pope's Dig., § 6799; Acts 1959, No. 307, § 53; A.S.A. 1947, § 75-801.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

### ANALYSIS

Applicability.

Implements of Husbandry.

### Applicability.

To the extent that there is a conflict between this section and § 27-35-210, that conflict is irreconcilable and results in a repeal by implication of this section for purposes of farm tractors traveling on highways at night. That is because the

Arkansas General Assembly clearly took up the subject matter of permits for farm tractors anew in the more current statute. *McMickle v. Griffin*, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 240 (Apr. 5, 2007).

### Implements of Husbandry.

A well-drilling rig would not qualify for the exemption to weight limitations provided for implements of husbandry. *Stuart v. State*, 263 Ark. 54, 563 S.W.2d 398 (1978).

## 27-35-103. Scope and effect of regulations.

(a) The maximum size and weight of vehicles specified in this chapter shall be lawful throughout this state, and local authorities shall have no power or authority to alter these limitations, except as provided in this chapter.

(b) Local authorities, with respect to highways under their jurisdiction, by ordinance or resolution, may prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles to be operated upon any highway, for a total period of not to exceed ninety (90) days in any one (1) calendar year, whenever the highway, by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(c)(1) The local authority enacting any such ordinance or resolution shall erect, or cause to be erected and maintained, signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby.

(2) The ordinance or resolution shall not be effective unless and until signs are erected and maintained.

(d)(1) Local authorities, with respect to highways under their jurisdiction, by ordinance or resolution, may also prohibit the operation of



trucks or other commercial vehicles or may impose limitations as to the weight thereof on designated highways.

(2) The prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(e)(1) The State Highway Commission shall likewise have authority as granted in this section to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highways under the jurisdiction of the commission.

(2) The restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution.

**History.** Acts 1937, No. 300, § 139; Pope's Dig., § 6799; Acts 1959, No. 307, § 53; A.S.A. 1947, § 75-801; Acts 1995, No. 851, § 1.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

### CASE NOTES

#### ANALYSIS

Authority of Highway Engineers.  
Municipal Regulation.

#### Authority of Highway Engineers.

Position occupied by highway engineer carries with it implied authority to place warning signs limiting loads crossing bridges. *Arkansas State Hwy. Comm'n v. Mode*, 203 Ark. 179, 157 S.W.2d 53 (1941).

Absent evidence that placing of warning signs limiting loads crossing bridge was

unauthorized, there is a presumption that the highway engineer had authority from the State Highway Commission. *Arkansas State Hwy. Comm'n v. Mode*, 203 Ark. 179, 157 S.W.2d 53 (1941).

#### Municipal Regulation.

Statutes relating to size and load do not prevent a city from regulating use of its streets by trucks. *House v. City of Texarkana*, 225 Ark. 162, 279 S.W.2d 831 (1955).

### 27-35-104. Riding in spaces not for passengers.

(a) No person shall ride on any vehicle upon any portion of the vehicle not designed or intended for the use of passengers.

(b) This section shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within bodies of trucks in space intended for merchandise.

**History.** Acts 1937, No. 300, § 141; Pope's Dig., § 6801; A.S.A. 1947, § 75-803.

### 27-35-105. Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches (6") beyond the line of the fenders on the right side.

**History.** Acts 1937, No. 300, § 141; Pope's Dig., § 6801; A.S.A. 1947, § 75-803.

### **27-35-106. Extension of load beyond vehicle front.**

The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet (3') beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with such a bumper.

**History.** Acts 1937, No. 300, § 142; Pope's Dig., § 6802; A.S.A. 1947, § 75-804.

### **CASE NOTES**

**Cited:** C.J. Horner Co. v. Holland, 207 Ark. 345, 180 S.W.2d 524 (1944).

### **27-35-107. Registration of gross weight.**

(a)(1) Upon registering any vehicle under the laws of this state, which vehicle is designed and used primarily for the transportation of property or for the transportation of ten (10) or more persons, the Commissioner of Motor Vehicles may require such information and may make such investigation or test as necessary to enable him or her to determine whether the vehicle may safely be operated upon the highways in compliance with all the provisions of this chapter.

(2) The commissioner shall register every such vehicle for a permissible gross weight not exceeding the limitation set forth in this chapter.

(3) Every such vehicle shall be equipped with brakes as required in §§ 27-37-501 and 27-37-502.

(b)(1) The commissioner shall insert in the registration card issued for every such vehicle the gross weight for which it is registered. If it is a motor vehicle to be used for propelling other vehicles, the commissioner shall separately insert the total permissible gross weight of that motor vehicle and other vehicles to be propelled by it.

(2) The commissioner may also issue a special plate with the gross weight or weights stated thereon which shall be attached to the vehicle and displayed at all times.

(3) A wrecker or tow vehicle shall be required to register only for the gross weight of that wrecker or tow vehicle without inclusion of the weight of the vehicle being towed by the wrecker or tow vehicle. In the registration card issued for a wrecker or tow vehicle, the commissioner shall only insert the total permissible gross weight of the wrecker or tow vehicle.

(c)(1) It shall be unlawful for any person to operate any vehicle or combination of vehicles of a gross weight in excess of that for which registered by the commissioner or in excess of the limitations set forth in this chapter.

(2) In determining the gross weight of a wrecker or tow vehicle, only the gross weight of the wrecker or tow vehicle shall be considered without inclusion of the weight of the vehicle being towed.

(d) The commissioner shall implement rules and regulations issued by the United States Secretary of Transportation pertaining to federal use tax payments.

**History.** Acts 1937, No. 300, § 146; Pope's Dig., § 6806; Acts 1939, No. 340, § 1; 1983, No. 7, § 5; A.S.A. 1947, § 75-809; Acts 1995, No. 851, § 2; 2007, No. 1412, § 4.

**Amendments.** The 2007 amendment added (b)(3) and (c)(2) and made related changes.

### **27-35-108. Authority to weigh vehicles and require removal of excess loads.**

(a)(1) Any police officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing, by means of either portable or stationary scales, and may require that the vehicle be driven to the nearest public scales in the event the scales are within two (2) miles.

(2) The provisions of this section shall not be applicable to vehicles owned and operated by the State of Arkansas or any city or county of this state.

(b)(1) Whenever an officer, upon weighing a vehicle and load as provided in subsection (a) of this section, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted under this chapter.

(2) All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor.

(d) It shall also be the duty of county sheriffs or any other state or local police officers to enforce, or to cooperate in enforcing, the weight limits specified in this chapter or authorized on any public way in this state and to prevent overloading of vehicles or other violations of the traffic laws upon the public highways within their respective jurisdictions.

**History.** Acts 1937, No. 300, § 147; Pope's Dig., § 6807; Acts 1939, No. 340, § 2; 1963, No. 274, § 1; A.S.A. 1947, § 75-810; Acts 1993, No. 1266, § 2; 1995, No. 435, § 1.

**A.C.R.C. Notes.** Acts 1993, No. 1266, § 1, provided: "The purpose of this act is

to protect our city streets, highways, and citizens of our state. The current number of landfills will be reduced sharply because of the cost and stringent regulations forthcoming. There will be more miles traveled on our streets and highways because of fewer landfills and more transfer



stations. The General Assembly has concluded that the increased miles traveled by solid waste trucks must be traveled as safely as possible. Given these facts, the General Assembly also concluded that

these safety factors will reduce wear and tear on our streets and highways by requiring solid waste truck chassis to have more tires on the pavement thereby reducing damage and enhancing safety."

### **27-35-109. Liability for damage to highway or structure.**

(a) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which the highway or structure may sustain as a result of any careless, negligent, or illegal operation, driving, or moving of that vehicle, object, or contrivance, or as a result of operation, driving, or moving of any vehicle, object, or contrivance of excessive width or weighing in excess of the maximum weight in this chapter, even though authorized by a special permit issued as provided in § 27-35-210.

(b) Any person driving any vehicle, object, or contrivance upon any highway shall be liable for all damages to structures spanning the highway, or a part of the highway, by reason of load heights in excess of that which the structure will permit, when the clearance height of the structure is posted, and in any event where the height of the vehicle and load is in excess of thirteen feet, six inches (13' 6").

(c) Whenever the driver is not the owner of the vehicle, object, or contrivance, but is operating, driving, or moving it with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.

(d) Damage may be recovered in a civil action brought by the authorities in control of the highway or highway structure.

**History.** Acts 1937, No. 300, § 150; Pope's Dig., § 6809; A.S.A. 1947, § 75-812; Acts 1995, No. 851, § 3.

### **CASE NOTES**

#### **ANALYSIS**

Bridges.  
Private Property.

#### **Bridges.**

Where a truck driver deliberately ignored warning signs and drove on bridge, knowing that he had a load in excess of the maximum provided in the signs, his action in doing so was, in itself, negligence for which he and his employer would be liable for actual damage to the bridge. Arkansas State Hwy. Comm'n v. Mode, 203 Ark. 179, 157 S.W.2d 53 (1941).

The fact that others violated a load limit sign on bridge did not relieve defendant of liability for collapse of bridge due to excessive weight of truck. Arkansas State Hwy.

Comm'n v. Mode, 203 Ark. 179, 157 S.W.2d 53 (1941).

The measure of damages for collapse of bridge due to overweight of truck in disregard of warning sign is not the cost of replacing the bridge but the actual damage to the old bridge. Arkansas State Hwy. Comm'n v. Mode, 203 Ark. 179, 157 S.W.2d 53 (1941).

#### **Private Property.**

In action for damages to overhanging sign in front of plaintiff's business, defendant could not defend on ground that subsection (b) of this section required the sign to be 12 feet 6 inches above the roadway and, therefore, action could not be brought under this section, since this section has no applicability to private

property located away from the edge of the roadway. *C.J. Horner Co. v. Holland*, 207 Ark. 345, 180 S.W.2d 524 (1944).

### **27-35-110. Spilling loads on highways prohibited — Covers required for loads of sand, gravel, and rock — Exceptions.**

(a) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom.

(b) Sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(c) For a motor vehicle or a trailer with an open bed manufactured after September 30, 2001, no sand, gravel, or rock shall be transported on the paved public streets and highways of this state in a motor vehicle or trailer with an open bed unless the open bed is securely covered with a material which will prevent the load from dropping, sifting, leaking, or otherwise escaping therefrom. The cover shall be securely fastened to prevent the covering from becoming loose, detached, or in any manner a hazard to other users of the highway.

(d) For a motor vehicle or a trailer with an open bed manufactured on or before September 30, 2001, a vehicle with an open bed transporting sand, gravel, or rock is required to be covered as prescribed in subsection (c) of this section unless six inches (6") of freeboard is maintained at the perimeter of the load within the open bed of the vehicle or trailer carrying the load. Measurements are to be taken at the perimeter of the vehicle's or trailer's bed and measured from the top edge of the bed down to the sand, gravel, or rock being transported.

**History.** Acts 1937, No. 300, § 143; 805; Acts 1997, No. 425, § 1; 2001, No. Pope's Dig., § 6803; A.S.A. 1947, § 75- 1706, § 1.

### **CASE NOTES**

#### **ANALYSIS**

Instructions.  
Railroads.

#### **Instructions.**

It was error to instruct the jury that a violation of this section, although not necessarily negligence, was evidence of negligence, to be considered by the jury along with all the other facts and circumstances of the case, where the injury complained of was caused by oil leaking from a tank truck and rendering the highway slippery and the evidence was that the leaking was caused not by the manner in which the

truck was constructed or loaded but by the opening of the unloading valve. *CRT, Inc. v. Dunn*, 248 Ark. 197, 451 S.W.2d 215 (1970).

#### **Railroads.**

Since devices used exclusively upon stationary rails or tracks are excepted from the term "vehicle," a pedestrian who slipped on a yellow substance similar to feed while he was walking along a state highway railroad crossing could not base an action against the railroad upon this section. *Bowie v. Missouri P. R. Co.*, 262 Ark. 793, 561 S.W.2d 314 (1978).



**27-35-111. Trailers and towed vehicles.**

(a)(1) When one (1) vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all weight towed. The drawbar or other connection shall not exceed fifteen feet (15') from one (1) vehicle to the other, except the connection between any two (2) vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be diminished.

(2) When one (1) vehicle is towing another, there shall be an additional connection between the vehicles sufficient to hold the vehicle being towed in the event the drawbar or other regular connection should break or become disconnected.

(3) When one (1) vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon the connection a white flag or cloth not less than twelve inches (12") square.

(4) The provisions of this subsection shall not apply to the drawbar or other connection between a motor vehicle and a pole or pipe dolly.

(b)(1) No person shall operate a vehicle towing another when the towed vehicle swerves from side to side dangerously or unreasonably or fails to follow substantially in the path of the towing vehicle.

(2) No person shall occupy any house trailer while it is being moved upon the highway.

**History.** Acts 1937, No. 300, § 144; Pope's Dig., § 6804; Acts 1959, No. 307, § 39; A.S.A. 1947, § 75-806.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

**CASE NOTES**

**Cited:** National Trailer Convoy, Inc. v. Chandler Trailer Convoy, Inc., 233 Ark. 887, 349 S.W.2d 672 (1961).

**27-35-112. Towing vehicles licensed in other states.**

(a)(1) No vehicle licensed in another state for use as a wrecker or similar towing vehicle shall be used to tow any automobile or truck in this state unless the state in which the wrecker or other towing vehicle is licensed permits Arkansas-licensed wreckers and towing vehicles to tow automobiles and trucks in that state.

(2) For the purpose of determining whether another state permits Arkansas-licensed wreckers and towing vehicles to tow automobiles and trucks in that state, any limitation on Arkansas-licensed wreckers and towing vehicles to tow automobiles and trucks imposed by a county, parish, city, or other political subdivision of that state shall be deemed an action of that state.

(b)(1) The owner or operator of any wrecker or similar towing vehicle licensed in another state that is used to tow any automobile or truck in this state in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined at least one hundred dollars (\$100) but not more than one thousand dollars (\$1,000).



(2) Each violation shall constitute a separate offense.

(c) The Arkansas Towing and Recovery Board may promulgate rules and regulations for the enforcement of this section, including the imposition of civil penalties as set forth in § 27-50-1204.

**History.** Acts 1979, No. 430, § 1, 2; A.S.A. 1947, §§ 75-806.1, 75-806.2; Acts 2007, No. 607, § 1.

**Amendments.** The 2007 amendment redesignated former (a) as present (a)(1) and added (a)(2) and (c).

## 27-35-113. [Repealed.]

**Publisher's Notes.** This section, concerning the regulation and registration of escort vehicles, was repealed by Acts 2003,

No. 331, § 2. The section was derived from Acts 2001, No. 1483, § 2.

## SUBCHAPTER 2 — WEIGHTS AND DIMENSIONS

### SECTION.

- 27-35-201. Operating vehicle exceeding size or weight limitations unlawful.
- 27-35-202. Penalties for overweight vehicles.
- 27-35-203. Single and tandem axle load limits.
- 27-35-204, 27-35-205. [Repealed.]
- 27-35-206. Width of vehicles.
- 27-35-207. Height of vehicles.

### SECTION.

- 27-35-208. Length of vehicles.
- 27-35-209. Forestry machinery exemptions.
- 27-35-210. Permits for special cargoes.
- 27-35-211. Disposition of fees and penalties.
- 27-35-212. [Repealed.]
- 27-35-213. Persons permitted to stop and direct traffic.

**Preambles.** Acts 1971, No. 264 contained a preamble which read: "Whereas, it is necessary to regulate the movement of all mobile home units moved on the highways, roads and streets of this State in excess of 8 feet in width in order to protect the traveling public; and

"Whereas, the interstate and intrastate movement of such mobile home units is now restricted to those mobile home units 12 feet wide or less; and

"Whereas, several manufacturing companies in the State of Arkansas are now manufacturing mobile homes which are wider than 12 feet;

"Now, therefore ... "

**Effective Dates.** Acts 1955, No. 98, § 11: Feb. 22, 1955. Emergency clause provided: "It has been found and determined by the General Assembly of the State of Arkansas that Act 152 of 1953 has been held unconstitutional and void by the Chancery Court of Pulaski County, Arkansas; that the previous laws relating to the subject of this Act are wholly inad-

equate to properly regulate and control the operation of large vehicles on the roads and highways of the State of Arkansas, and to properly protect said roads and highways; and that there is an immediate and urgent need for the regulation and control of such vehicles and the protection of said roads and highways. Therefore, an emergency is declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall take effect and be in full force from and after the date of its passage and approval."

Acts 1955, No. 192, § 2: Mar. 14, 1955. Emergency clause provided: "It is hereby determined by the General Assembly that the charges established in Act 98 of 1955 for special overloading permits are wholly inadequate and inequitable, and that the immediate passage of this Act is necessary to establish a system of reasonable charges which will reimburse the State for the damage which is estimated to result to the State's highways as a result of such

overloading. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1963, No. 78, § 6: Feb. 22, 1963. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws governing maximum vehicle length and maximum vehicle weights are imposing extreme hardships upon trade and commerce and are discriminating against Arkansas vehicles traveling in other states, thereby imposing financial hardship upon Arkansas residents; that the maximum weight laws presently in effect permit excessive loads on the front steering axle of vehicles thereby endangering the public safety, and that immediate action is necessary to correct the foregoing situations. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1965, No. 17, § 4: Feb. 1, 1965. Emergency clause provided: "It is hereby found and determined by the General Assembly that the provisions of Subsection (c) of Section 5 of Act 98 of 1955 as amended by Section 3 of Act 78 of 1963, has worked an undue hardship upon a number of highway users in this State, and that considerable confusion has arisen over the enforcement of said subsection; and, that in order to clarify the provisions of said subsection, and in order that legitimate commerce shall not be stifled or handicapped in the enforcement of such Act, it is immediately necessary that correction thereof be made for the purpose of clarifying the enforcement of said Act, and the application thereof to many highway users in this State, therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1965 (1st Ex. Sess.), No. 45, § 3: June 10, 1965. Emergency clause provided: "It has been found and determined by the General Assembly of Arkansas that the exemption provided in Subsection (a)

of Section 6 of Act 98 of 1955, as amended by Act 436 of 1965, from the requirement of a permit for the movement of overwidth farm machinery and equipment within a radius of fifty (50) miles, is contrary to certain federal regulations insofar as such exemption is applicable with respect to the movement of such machinery and equipment on the highways in this State designated and known as the National System of Interstate and Defense Highways; that since such exemption is contrary to certain federal regulations it may jeopardize certain federal funds which would otherwise be available for highway construction in this State; and, that it is immediately necessary that this exemption be restricted so as not to apply to the movement of such machinery and equipment on the National System of Interstate and Defense Highways in this State. Therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in effect from the date of its passage and approval."

Acts 1967, No. 109, § 3: Feb. 20, 1967. Emergency clause provided: "It is hereby found and determined by the General Assembly that the existing laws of this State concerning the overall length of motor vehicles are inadequate and that immediate change in said law is necessary to prevent discrimination with respect to the length of vehicles using the highways of this State, and that the immediate passage of this Act is necessary to correct this situation. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1969, No. 103, § 4: Feb. 25, 1969. Emergency clause provided: "It is hereby found and determined by the General Assembly that many owners of trucks in this State are being subjected to severe penalties with respect to minor overloading of a particular axle or combination of axles on the vehicle; that because of the circumstances requiring the loading of many vehicles in the forest, on the farm, at mines, warehouses and other loading points where vehicular scales are not available, it is often difficult for vehicle operators to determine that the axle load



is always within the strict limitations of the law; and that the immediate passage of this Act is necessary to establish lawful tolerances which shall be allowed in enforcement of the laws covering maximum axle loads thereby relieving truck operators in this State of undue harassment, fines and penalties. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1971, No. 97, § 4: Feb. 15, 1971. Emergency clause provided: "It is hereby found and determined by the General Assembly that the provisions of Subsection (c) of Section 5 of Act 98 of 1955, as amended by Section 3 of Act 78 of 1963, has worked an undue hardship upon a number of users of special mobile equipment in this State and in order that such highway users not be unduly restricted in desirable and legitimate public and commercial enterprises the immediate passage of this Act is necessary to provide the needed change in the law relating to the maximum weights allowable on front steering axles under special permits. Therefore, an emergency is hereby declared to exist and this Act being necessary for the needed preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1971, No. 264, § 11: became law without Governor's signature, Mar. 12, 1971. Emergency clause provided: "It has been found and it is declared by the General Assembly of Arkansas that the laws governing the movement of mobile home units interstate and intrastate are inadequate and place undue restrictions on the movement of such units, that the Highway Department should have the authority to designate the highways and specify conditions under which certain mobile home units may be moved in order to facilitate their movement in a safe manner and develop the mobile home industry in Arkansas; and that the immediate passage of this Act is necessary to provide needed changes in the law relating to the moving of mobile home units in this State. Therefore, an emergency is hereby declared to exist and this Act being necessary for the needed preservation of the public peace, health and safety, shall

be in full force and effect from and after its passage and approval."

Acts 1977, No. 431, § 3: Mar. 16, 1977. Emergency clause provided: "It is hereby found and determined by the General Assembly that the fuel shortage in this country makes it desirable that goods be moved in the most economic manner feasible; that the extension of the maximum length of trucks used on highways of this State would promote fuel economy and would make the transportation of commodities more economical; that this Act is designed to authorize trucks of additional length to operate on public highways and to thereby promote fuel economy and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1981, No. 304, § 3: Mar. 4, 1981. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present restriction of a maximum eight (8) foot width for passenger buses is inequitable and obsolete, and that this Act is immediately necessary to make the law conform to modern standards of passenger bus construction. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1981, No. 807, § 3: Mar. 28, 1981. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present law relating to special permits for the movement of over-length cranes is unduly restrictive in that a separate permit must be requested for each movement or for any movements within a period of six (6) consecutive days, within the same county; that such restriction places a severe hardship on crane operators in that such equipment cannot be readily moved to accommodate urgent requests for use of the equipment; that this Act is designed to provide for the issuance of an annual permit for the movement of such cranes for a period of one (1) year, and within a thirty-five (35) mile radius of the point of origin of such movement, and should be given effect im-



mediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1983, No. 7, § 7: Jan. 31, 1983. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present maximum weight limits for vehicles operated upon certain highways in the state are unduly restrictive and result in unnecessary costs for transportation of goods and in the unnecessary consumption of fuel; that this Act is designed to increase maximum weights for vehicles on those highways in the state that are designed to support the greater weight while at the same time protecting those highways that are not adequate to support the heavier vehicles; that the increase of maximum truck weights on the main arteries of commerce in the state is essential to the continued growth and development of the state and that this act should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after this bill is signed by the Governor."

Acts 1983, No. 580, § 4: Mar. 21, 1983. Emergency clause provided: "It is hereby found and determined by the General Assembly that vehicles hauling animal feed for consumption in this State should be permitted a variance above the allowable gross weight otherwise provided by law and that vehicles hauling sand, gravel, rock or crushed stone should be exempt from the Federal Bridge Formula on non-interstate highways and this Act is immediately necessary to grant such exemptions and variances. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1983, No. 685, § 6: emergency clause failed to pass. Emergency clause provided: "It is hereby found and determined by the General Assembly that the current highway-user tax and fee structure does not allocate highway costs in an equitable manner among the various

classes of highway users, and that the increased weight limits enacted by this Assembly will jeopardize the investment in the State's highways necessitating the annual expenditure of additional monies to negate such damage; and that only by the immediate passage of this Act may highway-user taxes and fees be adjusted to more equitably equalize the allocation of highway costs among the various classes of highway users and provide vitally needed additional funds to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after July 1, 1983."

Acts 1985, No. 337, § 3: Mar. 13, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that it should be lawful to transport round bales of hay if the load is not in excess of twelve (12) feet in width upon the public highways and roads of this State, and that this Act is immediately necessary to authorize the same. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1985, No. 415, § 5: Mar. 19, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that considerable confusion and disagreement have arisen concerning eligibility of vehicles licensed as five axle natural resources vehicles for the eight percent (8%) variance authorized in subsection (g) of Section 5 of Act 98 of 1955, as amended; that it is the purpose and intent of this Act to clarify said subsection (g) in order to assure that such vehicles are eligible for the eight percent (8%) variance; and that some agencies of state government are interpreting Ark. Stat. Ann. 75-201(C)(8) differently than it was intended to be interpreted by the General Assembly and that it is necessary for the General Assembly to reaffirm its long standing policy of allowing natural resource licensees to haul natural resource products at the maximum gross loaded weights permitted to be hauled by any other type of licensee. Therefore, an emergency is hereby declared to exist and this

Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 278, § 3: Mar. 17, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present statute granting a weight variance for vehicles hauling unfinished and unprocessed farm products, forest products, and other products of the soil is being misinterpreted by some law enforcement officials; that in order to eliminate the confusion and misinterpretation, clarification of the statute is necessitated; that this act makes such clarification; and that until this act goes into effect, the misinterpretation may continue with the resulting unfair treatment of some farm products haulers. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1987 (2nd Ex. Sess.), No. 3, § 12: Oct. 9, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that the Seventy-fourth General Assembly enacted legislation increasing the maximum weight limit on heavy trucks in this State from 73,280 pounds to 80,000 pounds, and also enacted a Highway Use Equalization Tax law designed to produce additional revenues to help offset the additional cost of constructing and maintaining the State highway system at standards to accommodate the increased truck weight; that a recent decision of the United States Supreme Court involving the axle tax in Pennsylvania has raised questions with respect to the constitutionality of the Highway Use Equalization Tax as imposed by the Seventy-fourth General Assembly; that the loss of such revenues in the event of an adverse court decision would jeopardize the investment in the State's highways, necessitating the annual expenditure of additional monies to negate the damage caused by the increased weight law; and that only by the immediate passage of this Act may Highway User taxes and fees be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this Act, being imme-

diately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 638, § 4: Mar. 17, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that under the current interpretation of law relating to the operation of five axle vehicles which are granted an eight percent variance under Arkansas Code § 27-35-203(g), when such vehicles are found to be overweight, the fines and penalties are assessed without giving consideration to the eight percent weight variance authorized by law; that this provision of law is inequitable in that less severe penalties are applied to other five axle vehicles which are found to be overweight; that this act is designed to correct this inequitable situation and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 219, § 10: Feb. 22, 1991. Emergency clause provided: "It is hereby found and determined by the General Assembly that many of the highways, roads and streets in this state are operationally inadequate and immediate steps must be taken to provide additional funds for the maintenance, construction and reconstruction of such highways, roads and streets; that proper maintenance, construction and reconstruction of such highways, roads and streets is essential to the public health, welfare and safety of the people of this state and that only by the immediate passage of this act may such vitally needed additional funds be provided to solve the aforementioned problems. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect on and after the first day of the first month immediately following its passage and approval."

Acts 1991, No. 704, § 5: Mar. 22, 1991. Emergency clause provided: "It is hereby found and determined by the General Assembly that special provisions providing for the permitting of overweight mobile cranes should be incorporated into the laws of this State; that current provisions



of those laws result in an inequity as they pertain to the movement of such overweight mobile cranes and that only by the immediate passage of this act may such inequity be negated. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 1031, § 6: Apr. 8, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly of the State of Arkansas that unless subsections (b) and (e) of Arkansas Code § 27-35-203 are amended, thus insuring that Arkansas laws are compatible with federal laws and regulations, federal-aid highway funds accruing to this state will be withheld; that such federal-aid highway funds are essential to the highway, road, and street programs of this state; and that in the event of an extension of the 1991 Regular Session, the delay of the effective date of this act could work irreparable harm upon the proper administration and provision of these essential highway, road, and street programs. Therefore, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 1231, § 6: Apr. 10, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly of the State of Arkansas that unless subsections (b) and (e) of Arkansas Code § 27-35-203 are amended, thus insuring that Arkansas laws are compatible with federal laws and regulations, federal-aid highway funds accruing to this state will be withheld; that such federal-aid highway funds are essential to the highway, road, and street programs in this state; and that in the event of an extension of the 1991 Regular Session, the delay of the effective date of this act could work irreparable harm upon the proper administration and provision of these essential highway, road, and street programs. Therefore, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1992 (1st Ex. Sess.), Nos. 68 and 69, § 10: Mar. 20, 1992. Emergency clause provided: "It is hereby found and determined by the General Assembly that a number of farmers in this state have recently purchased vehicles for the purposes of transporting compressed seed cotton from the farm to the market; that unfortunately many such vehicles exceed the current width and length laws of this state and when loaded with such compressed seed cotton at times exceed the current maximum weight laws; that unless the width, length and weight laws of this state are amended, such farmers will suffer a severe economic hardship; that the application for and securing of a special permit from the Arkansas State Highway Commission would result in an unduly cumbersome and burdensome process not only for the farmer but also for the state and that only by the immediate effectiveness of this Act may these problems be solved. Therefore an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 851, § 10: Mar. 31, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly of the State of Arkansas that the current provisions of Arkansas law providing for penalties for overweight violations are wholly inadequate as a deterrent to unlawful movements of overweight vehicles and that only by the immediate implementation of new penalties by this act may this problem be solved. Therefore, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 1026, § 6: Apr. 2, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that confusion and disagreement have arisen regarding the enforcement of the safety of operation and equipment regulations of the State Highway Commission with regard to the presentation of certain documents by operators of heavy commercial vehicles and the authority of the enforcement officers of the Commission to place out of service drivers who



have either refused to present the required documents or have exceeded the maximum amount of driving time, without any type of rest, in violation of such rules and regulations and, consequently, unless placed out of service at that time, creating an extreme safety hazard to the traveling public; and that it is the purpose of this act to clarify the law to insure that this safety hazard is prevented and that until this act becomes effective such confusion may continue to arise. Additionally, it is hereby found and determined by the General Assembly that the owners and operators of certain types of equipment, which equipment is moved on the highways under special permit from the State Highway Commission generally in a limited number of counties for special uses, are frequently unable to cross county lines, even for a short distance, without procuring an additional permit from that Commission; that there are times when this has created a hardship to the welfare of the citizens of the state, particularly after the onset of severe storms or other disaster; that until this act becomes effective such hardship will continue to exist and it is the intent of this act to abate such hardships. It is further found and determined by the General Assembly that only by the immediate effectiveness of this act may such problems be solved or abated. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1999, No. 1571, § 5: Apr. 15, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that the movement in international commerce of sealed containerized cargo units from one mode of transportation to another at times necessitates the movement of such containers upon the highways; that the current law does not authorize the movement of such

containers upon the highways of this state; that such movement is vital to the economic growth of this state by enhancing the availability of international markets and trade; that until this act becomes effective the citizens of this state will not be able to avail themselves of such markets and trade in a meaningful manner; and that only by the immediate passage and effectiveness of this act may this problem be solved. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2003, No. 331, § 3: Mar. 6, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the economic recession has created an extremely competitive environment for transporting over-length loads of manufactured goods and commodities; that requiring two (2) escort vehicles for over-length loads and imposing additional registration requirements for escort vehicles increases transportation costs for Arkansas' manufacturers and shippers; that other provisions of Arkansas law authorize the Arkansas Highway and Transportation Department to impose escort vehicle requirements and specify escort vehicle standards when issuing and administering permits for loads restricted by law; and this act is immediately necessary because all transportation costs must be kept competitive to keep jobs in Arkansas. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

## CASE NOTES

**Municipal Regulation.**

The provisions of this subchapter did not repeal or supersede §§ 14-54-103, 14-55-101 — 14-55-103, or 14-301-101, and

city was authorized under those sections to regulate the use of streets by trucks. *House v. City of Texarkana*, 225 Ark. 162, 279 S.W.2d 831 (1955).

**27-35-201. Operating vehicle exceeding size or weight limitations unlawful.**

Except as otherwise provided by this subchapter, it shall be unlawful for any person to drive, operate, or move, or for the owner to cause or permit to be driven or moved upon any road or highway within the state, any vehicle, or combination of vehicles, of a size or weight exceeding the limitations stated in this subchapter, or to transport over any road or highway within this state, whether paved or otherwise, any load or loads exceeding the weights or dimensions prescribed by this subchapter.

**History.** Acts 1955, No. 98, § 1; A.S.A. 1947, § 75-813.

**27-35-202. Penalties for overweight vehicles.**

(a)(1) Any operator found violating the provisions of this subchapter or any owner, principal, employer, lessor, lessee, agent, or officer of any firm or corporation who permits an operator to violate these provisions shall be guilty of a misdemeanor.

(2)(A) Upon first conviction, an offender shall be punished by a fine of not more than one hundred dollars (\$100).

(B) For a second conviction within one (1) year, an offender shall be punished by a fine of not more than two hundred dollars (\$200).

(C) For a third conviction and each successive conviction within one (1) year, an offender shall be punished by a fine of not more than five hundred dollars (\$500).

(b)(1) If the weight of the vehicle and load exceeds the maximum as prescribed by this subchapter or the gross weight as provided by a special permit, the operator or any owner, principal, employer, lessor, lessee, agent, or officer of any firm or corporation who permits such an operator to exceed the weight load provided in this subchapter or as provided by a special permit shall pay in addition a penalty to be computed as follows:

(A) Overweight one thousand pounds (1,000 lbs.) or less, a minimum penalty of ten dollars (\$10.00) or a maximum penalty of twenty dollars (\$20.00);

(B) Overweight more than one thousand pounds (1,000 lbs.) and not more than two thousand pounds (2,000 lbs.), a minimum penalty of one cent (1¢) per pound of excess weight or a maximum penalty of three cents (3¢) per pound of excess weight;



(C) Overweight more than two thousand pounds (2,000 lbs.) and not more than three thousand pounds (3,000 lbs.), a minimum penalty of two cents (2¢) per pound of excess weight or a maximum penalty of four cents (4¢) per pound of excess weight;

(D) Overweight more than three thousand pounds (3,000 lbs.) and not more than four thousand pounds (4,000 lbs.), a minimum penalty of three cents (3¢) per pound of excess weight or a maximum penalty of five cents (5¢) per pound for each pound of excess weight;

(E) Overweight more than four thousand pounds (4,000 lbs.) and not more than ten thousand pounds (10,000 lbs.), a minimum penalty of four cents (4¢) per pound of excess weight or a maximum penalty of six cents (6¢) per pound for each pound of excess weight; and

(F) Overweight more than ten thousand pounds (10,000 lbs.):

(i) A minimum penalty of eight cents (8¢) per pound of excess weight or a maximum penalty of ten cents (10¢) per pound of excess weight for the first offense during a calendar year;

(ii) A minimum penalty of thirteen cents (13¢) per pound of excess weight or a maximum penalty of fifteen cents (15¢) per pound of excess weight for the second offense during a calendar year; and

(iii) A minimum penalty of eighteen cents (18¢) per pound of excess weight or a maximum penalty of twenty cents (20¢) per pound of excess weight for the third and subsequent offense or offenses during a calendar year.

(2) Where the operator of an overloaded truck is found to have willfully avoided being weighed at a weigh station in this state, the penalty shall be computed by doubling the otherwise appropriate penalty set out in subdivision (b)(1) of this section.

(c)(1) All fines and penalties shall be collected as provided by law.

(2) All penalties collected shall immediately be transmitted by the authority collecting them to the Treasurer of State.

(3) It shall be mandatory and not within the discretion of the court to assess the penalty provided for.

(d) When any vehicle is found to exceed any weight limitation imposed by this subchapter or the gross weight provided by special permit, the vehicle shall be stopped at a suitable place and remain standing until the overweight shall have been removed or an additional permit obtained as provided in this subchapter.

**History.** Acts 1955, No. 98, § 8; 1983, No. 685, § 4; A.S.A. 1947, § 75-819; Acts 1987 (2nd Ex. Sess.), No. 3, § 6; 1995, No. 851, § 4; 2005, No. 1934, § 21.

**Amendments.** The 2005 amendment substituted “twenty dollars (\$20.00)” for “not more than two cents (2¢) per pound of excess weight” in (b)(1)(A).

## CASE NOTES

### ANALYSIS

Constitutionality.  
Refunds.

### Constitutionality.

Former highway use equalization tax, former Acts 1983, No. 685, violated the Commerce Clause of the United States



Constitution in that it cost other truckers more per mile than it cost those based in Arkansas, despite the option, available to all, to pay a flat or per-mile rate or a trip rate. *American Trucking Ass'n v. Gray*, 295 Ark. 43, 746 S.W.2d 377 (1988), *aff'd* in part, *rev'd* in part, 496 U.S. 167, 110 S. Ct. 2323, 110 L. Ed. 2d 148 (1990).

#### **Refunds.**

American Trucking Association class allowed a pro rata refund (after deduction

for attorney's fees) of former Highway Use Equalization tax money paid into escrow since August 14, 1987, the date on which the Director of the Arkansas State Highway and Transportation Department was put on notice that the class's claims were likely to succeed. *American Trucking Ass'n v. Gray*, 295 Ark. 43, 746 S.W.2d 377 (1988), *aff'd* in part, *rev'd* in part, 496 U.S. 167, 110 S. Ct. 2323, 110 L. Ed. 2d 148 (1990).

### **27-35-203. Single and tandem axle load limits.**

(a) **MAXIMUM SINGLE AXLE LOAD.** The total gross load imposed on the highway by the wheels of any one (1) single axle of a vehicle shall not exceed twenty thousand pounds (20,000 lbs.).

(b) **MAXIMUM TANDEM AXLE LOAD.** (1) The total gross load imposed on the highway by two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40") and not more than ninety-six inches (96") apart, extending across the full width of the vehicle, shall not exceed thirty-four thousand pounds (34,000 lbs.).

(2) No one (1) axle of any such group of two (2) or more consecutive axles shall exceed the load permitted for a single axle.

(c) **MAXIMUM WEIGHT ON FRONT OR STEERING AXLE.** (1) The maximum weight imposed on the highway by the front or steering axle of a vehicle shall not exceed the amount of the manufacturer's axle weight rating for the front or steering axle or twenty thousand pounds (20,000 lbs.), whichever is less. If the vehicle has no plate attached by the manufacturer providing the axle and gross weight ratings, the maximum weight allowed for the front or steering axle shall be twelve thousand pounds (12,000 lbs.).

(2) The combined maximum weight imposed on the highway by a front or steering axle and any adjacent axle whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40") and not more than ninety-six inches (96") apart shall not exceed twenty thousand pounds (20,000 lbs.).

(3) A "front or steering axle", for the purposes of this subsection, shall be defined as an axle attached to the front of the vehicle and which is utilized to steer the vehicle on a given path or direction.

(d)(1) Subject to the limit upon the weight imposed upon the highway through any one (1) axle as set forth in subsections (a)-(c) of this section, no vehicle, or combination of vehicles, shall be operated upon the highways of this state when the gross weight is in excess of eighty thousand pounds (80,000 lbs.).

(2) Greater gross weights than permitted may be authorized by special permit issued by competent authority as authorized by law, or lesser gross weights will be required when highways are posted.

(e)(1) No vehicle, or combination of vehicles, shall operate upon any highway in this state when the total gross load imposed on the highway

by the wheels of any one (1) single axle of such vehicle or combination exceeds eighteen thousand pounds (18,000 lbs.), nor when the total gross load imposed on the highway by two (2) or more consecutive axles of any such vehicle or combination of vehicles whose centers may be included between parallel transverse vertical planes spaced more than forty inches (40") and not more than ninety-six inches (96") apart, extending across the full width of the vehicle or combination of vehicles, exceeds thirty-two thousand pounds (32,000 lbs.), nor when the total gross weight of the vehicle, or combination of vehicles thereof, is in excess of seventy-three thousand two hundred eighty pounds (73,280 lbs.) unless the vehicle, or combination thereof, shall not exceed the value given in Table I corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot.

Table I

GROSS WEIGHTS ALLOWABLE UNDER THE FORMULA CONTAINED IN THE FEDERAL WEIGHT LAW ENACTED JANUARY 4, 1975, THAT ARE APPLICABLE TO VEHICLES OR COMBINATIONS THEREOF IN ARKANSAS

Formula  $W = 500 \left[ \frac{LN}{N-1} + 12N + 36 \right]$

Except that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds (34,000 lbs.) each, providing that the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six feet (36') or more.

W = maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred pounds (500 lbs.).

L = distance in feet between the extremes of any group of two (2) or more consecutive axles.

N = number of axles in group under consideration.

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles		
	4 axles	5 axles	6 axles
33 .....			74,000
34 .....			74,500
35 .....			75,000
36 .....			75,500
37 .....			76,000
38 .....			77,000
39 .....			77,500
40 .....			78,000
41 .....		73,500	78,500
42 .....		74,000	79,000

Distance in feet between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles		
	4 axles	5 axles	6 axles
43 .....		75,000	80,000
44 .....		75,500	80,000
45 .....		76,000	80,000
46 .....		76,500	80,000
47 .....	73,500	77,500	80,000
48 .....	74,000	78,000	80,000
49 .....	74,500	78,500	80,000
50 .....	75,500	79,000	80,000
51 .....	76,000	80,000	80,000
52 .....	76,500	80,000	80,000
53 .....	77,500	80,000	80,000
54 .....	78,000	80,000	80,000
55 .....	78,500	80,000	80,000
56 .....	79,000	80,000	80,000
57 .....	80,000	80,000	80,000

(2)(A) If the Federal Highway Administration or the United States Congress prescribes or adopts vehicle size or weight limits greater than those prescribed by the Federal-Aid Highway Act of 1956, which limits exceed, in full or in part, the provisions of subsection (a), (b), (c), (d), or (e) of this section, the State Highway Commission shall adopt size and weight limits comparable to those prescribed or adopted by the Federal Highway Administration or the United States Congress and shall authorize the limits to be used by owners or operators of vehicles while the vehicles are using highways within this state.

(B) No vehicle size or weight limit so adopted by the commission shall be less in any respect than those provided for in subsection (a), (b), (c), (d), or (e) of this section.

(f)(1)(A) Vehicles, or a combination of vehicles, transporting products commonly recognized in interstate commerce at gross weights exceeding seventy-three thousand two hundred eighty pounds (73,280 lbs.) shall be permitted direct access across any highway in this state to or from the nearest federal interstate highway or the nearest state primary highway.

(B) Vehicles, or combinations thereof, shall be subject to the limits set forth in subsections (a)-(e) and (g) of this section.

(2) Where more than one (1) highway in this state affords access to or from the point of shipment or receipt within this state, the commission may designate the access route to or from the nearest federal interstate highway or state-designated primary highway.

(g)(1)(A) Vehicles, or combinations of vehicles, which vehicles or combinations of vehicles have a total outside width in excess of one hundred two inches (102") but not exceeding one hundred eight



inches (108") used for hauling compacted seed cotton from the farm to the first point at which such seed cotton shall first undergo any processing, preparation for processing, or transformation from its compacted state shall be permitted an eight thousand pounds (8,000 lbs.) per axle variance above the maximum allowable gross axle weight for single and tandem axles set forth in subsections (a) and (b) and subdivision (c)(1) of this section; provided, no such variance for such vehicles from the formula prescribed in subsection (e) of this section, nor from the axle weight nor overall maximum gross weight shall be allowable on federal interstate highways. Provided, further, no vehicle or combination of vehicles permitted the above axle variance, which vehicle or combination of vehicles has only three (3) axles, shall exceed a maximum overall gross weight of seventy thousand pounds (70,000 lbs.) and no such vehicle or combination of vehicles permitted the above axle variance, which vehicle or combination of vehicles has four (4) or more axles, shall exceed a maximum overall gross weight of eighty thousand pounds (80,000 lbs.).

(B) Vehicles, or combinations of vehicles, with five (5) axles and used exclusively by the owner of livestock or poultry for hauling animal feed to the owner's livestock or poultry for consumption in this state shall be permitted an eight percent (8%) variance above the allowable gross weight whenever the formula in subsection (e) of this section is applied to the vehicle or combination of vehicles. A maximum gross weight, including any allowable variance or tolerance, shall not exceed eighty thousand pounds (80,000 lbs.).

(C) Vehicles, or combinations of vehicles, used exclusively for hauling solid waste, as defined by regulations promulgated by the commission, shall be permitted an eight percent (8%) variance above the allowable gross weight whenever the formula in subsection (e) of this section is applied to the vehicle or combination of vehicles. However, the maximum gross weight, including any allowable variance or tolerance, shall not exceed eighty thousand pounds (80,000 lbs.).

(2)(A) Vehicles, or a combination of vehicles, meeting all of the requirements of subdivision (g)(1)(B) or subdivision (g)(1)(C) of this section shall not be required to meet the tandem axle load limits of subsection (b) of this section if the vehicles, or combinations thereof, do not exceed the allowable gross weight permitted by the formula in subsection (e) of this section, plus any variance, and do not exceed a gross weight of eighty thousand pounds (80,000 lbs.).

(B)(i) No tandem axle on any vehicle, or a combination of vehicles, meeting all of the requirements of subdivision (g)(1)(B) or subdivision (g)(1)(C) of this section shall exceed thirty-six thousand five hundred pounds (36,500 lbs.) under this subsection.

(ii) No variance on gross weight or axle shall be permitted on federal interstate highways.

(iii) When a violation of this subsection occurs, fines and penalties to be assessed for vehicles otherwise meeting the requirements of

subdivision (g)(1)(B) or subdivision (g)(1)(C) of this section shall be computed only on the basis of the excess weight over and above the maximum weight for which the vehicle qualifies under the formula prescribed in subsection (e) of this section plus an eight percent (8%) variance.

(iv) When a violation of this subsection occurs, fines and penalties to be assessed for vehicles otherwise meeting the requirements of subdivision (g)(1)(A) of this section shall be computed only on the basis of the excess weight over and above seventy thousand pounds (70,000 lbs.), including the variance, for a three-axle vehicle, or combination of vehicles, and only on the basis of the excess weight over and above eighty thousand pounds (80,000 lbs), including the variance, for a vehicle, or combination of vehicles, with four (4) or more axles.

(h)(1) When any axle, including any enforcement tolerance, is overloaded, but the total weight of all axles, including the steering axle, does not exceed the maximum total weight allowed for all axles, including the steering axle, the operator shall be permitted to unload a portion of the load or to shift the load if this will not overload some other axle, without being charged with violating this section and without being required to pay the penalties provided by law.

(2) The maximum axle load provided for in this section is subject to reduction as provided in §§27-35-101 — 27-35-103.

(i)(1) A truck tractor and single semi-trailer combination with five (5) axles hauling sand, gravel, rock, or crushed stone and vehicles or combinations of vehicles with five (5) axles hauling unfinished and unprocessed farm products, forest products, or other products of the soil shall be exempt from the federal bridge formula found in subsection (e) of this section on noninterstate highways in this state.

(2)(A) A truck tractor and single semi-trailer combination with five (5) axles hauling sand, gravel, rock, or crushed stone shall comply with a tandem axle limit of thirty-four thousand pounds (34,000 lbs.) and a single axle limit of twenty thousand pounds (20,000 lbs.) provided that the total gross weight shall not exceed eighty thousand pounds (80,000 lbs.).

(B) Vehicles, or combinations of vehicles, with five (5) axles hauling unfinished and unprocessed farm products, forest products, or other products of the soil shall comply with a tandem axle limit of thirty-six thousand five hundred pounds (36,500 lbs.) and a single axle limit of twenty thousand pounds (20,000 lbs.) provided that the total gross weight shall not exceed eighty-five thousand pounds (85,000 lbs.).

(C) Provided, no tandem axle shall exceed thirty-four thousand pounds (34,000 lbs.) while operated on the federal interstate highways of this state.

(3) No vehicle, or combination of vehicles, meeting all of the requirements of this subsection, shall be allowed any variance on overall gross weight or axle weight while operating on the federal interstate highways.



**History.** Acts 1955, No. 98, § 5; 1963, No. 78, § 3; 1965, No. 17, § 1; 1969, No. 103, § 1; 1971, No. 97, § 1; 1973, No. 419, §§ 1, 2; 1983, No. 7, §§ 3, 4; 1983, No. 580, §§ 1, 2; 1985, No. 415, § 1; A.S.A. 1947, §§ 75-817, 75-817.1; Acts 1987, No. 278, § 1; 1987, No. 379, § 1; 1989, No. 638, § 1; 1991, No. 1031, §§ 1, 2; 1991, No. 1139, §§ 1, 4; 1991, No. 1231, §§ 1, 2; 1992 (1st Ex. Sess.), No. 68, §§ 5, 6; 1992 (1st Ex. Sess.), No. 69, §§ 5, 6; 1995, No. 851, §§ 5, 6; 2007, No. 640, §§ 1-4.

**Amendments.** The 2007 amendment, in (c), rewrote (1)(A), inserted present (1)(B), redesignated former (1)(B) as (1)(C), and deleted (2) and (3); in (d), deleted (2) and (3) and redesignated

former (4) as (2); in (i), substituted "A truck tractor and single semi-trailer combination" for "Vehicles, or combinations of vehicles" in (1) and (2)(A), added "provided that the total gross weight shall not exceed eighty thousand pounds (80,000 lbs.)" in (2)(A), and added "provided that the total gross weight shall not exceed eighty-five thousand pounds (85,000 lbs.)" in (2)(B); deleted (j); and made related changes.

**U.S. Code.** The Federal-Aid Highway Act of 1956, referred to in this section, was codified in Title 23 of the United States Code; however, that title has been revised. For current law, see 23 U.S.C. §101 et seq.

## RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Legislation of the 1983 General Assembly, Taxation, 6 U. Ark. Little Rock L.J. 636.

## CASE NOTES

### ANALYSIS

Coal.  
Formula.  
Violation of Load Limits.

#### Coal.

Coal is not a form of rock and therefore is not exempt under subsection (i) of this section. *Bass v. State*, 285 Ark. 341, 686 S.W.2d 441 (1985).

#### Formula.

Formula in subsection (e) of this section is merely a method by which to determine the maximum weight a given truck can

carry legally and not a method by which to determine how much a given truck is carrying at a particular time. *Marshall Trucking Co. v. State*, 23 Ark. App. 110, 743 S.W.2d 16 (1988).

#### Violation of Load Limits.

Where two consecutive axles on defendant's rig had a combined weight of 41,500 pounds it was not necessary to charge the defendant under subsection (a) to find him guilty of having a single axle over 20,000 pounds under subsection (b). *Taylor v. State*, 299 Ark. 392, 773 S.W.2d 431 (1989).

## 27-35-204, 27-35-205. [Repealed.]

**Publisher's Notes.** These sections, concerning the compliance with tax on vehicles weighing more than 73,280 pounds and the annual tax on vehicles weighing more than 73,280 pounds, were repealed by Acts 1991, No. 219, § 9. The

sections were derived from the following sources:

27-35-204. Acts 1987 (2nd Ex. Sess.), No. 3, § 1.

27-35-205. Acts 1987 (2nd Ex. Sess.), No. 3, §§ 3, 8.

## 27-35-206. Width of vehicles.

(a) No vehicle operated upon the highways of this state shall have a total outside width, unladen or with load, in excess of one hundred two inches (102"), excluding certain safety devices as designated by the



state, unless a greater width is authorized by special permit issued by competent authority as provided in § 27-35-210. Provided, vehicles, as defined in § 27-14-207, utilized to transport compacted seed cotton from the farm to the first point at which such seed cotton shall first undergo any processing, preparation for processing, or transformation from its compacted state may operate upon all highways of this state, with the exception of federal interstate highways, with widths not exceeding one hundred eight inches (108") without such special permit; however, such vehicles must be equipped and operated in compliance with the traffic laws of this state as well as all safety rules and regulations of the United States Department of Transportation and the State Highway Commission. Additionally, such vehicles utilized to transport compacted seed cotton with widths exceeding one hundred two inches (102"), but not exceeding one hundred eight inches (108"), must be equipped and operated with both front and rear bumpers if operated individually, or, if operated in combination with other vehicles, must be equipped with a front bumper on the vehicle furnishing the motive power and with a rear bumper on the rear vehicle operated in that combination. Furthermore, such vehicles, when operated individually, or in combination with other vehicles, on the roads, highways, or streets of this state must be equipped with a sign or placard on the front and on the rear of the vehicle when operated individually, or on the front of the vehicle furnishing the motive power and on the rear of any vehicle operated in combination with the vehicle furnishing the motive power, when operated in combination, indicating that vehicle or combination of vehicles is slow-moving. Such signs or placards shall be of such a size, dimension, and color that it is readily apparent to the traveling public that the vehicle or combination is slow-moving and shall be in accordance with rules and regulations to be made and promulgated by the commission.

(b) Any person owning such a vehicle or combination of vehicles found operating such a vehicle or combination on the highways, roads, or streets of this state without the required bumpers or without the required signs or placards shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum of not less than three hundred dollars (\$300) and not more than three thousand dollars (\$3,000).

**History.** Acts 1955, No. 98, § 2; 1977, (1st Ex. Sess.), No. 68, § 3; 1992 (1st Ex. Sess.), No. 69, § 3.  
No. 559, § 1; 1981, No. 304, § 1; 1983, No. 7, § 1; A.S.A. 1947, § 75-814; Acts 1992

### CASE NOTES

#### **Width Restriction.**

Subsection (a) of this section provides that no vehicle shall be operated on state highways with a width in excess of 102 inches without a special permit as pro-

vided in § 27-35-210; this prohibition deals with width and is not limited to hauling cargo. *McMickle v. Griffin*, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 314 (May 17, 2007).

**Cited:** McMickle v. Griffin, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 240 (Apr. 5, 2007).

### **27-35-207. Height of vehicles.**

No vehicle operated upon the highways of this state, unladen or with load, shall exceed a height of thirteen feet, six inches (13' 6"), unless a greater height is authorized by a special permit issued by competent authority as provided in § 27-35-210.

**History.** Acts 1955, No. 98, § 3; A.S.A. 1947, § 75-815.

### **27-35-208. Length of vehicles.**

(a)(1) No single truck operated on the highways of this state, unladen or with load, shall have an overall length in excess of forty feet (40').

(2) Provided, any single truck, unladen or with load, utilized to transport compacted seed cotton from the farm to the first point at which such seed cotton shall first undergo any processing, preparation for processing, or transformation from its compacted state may be operated on the highways of this state with the exception of federal interstate highways with an overall length in excess of forty feet (40') but no more than fifty-five feet (55').

(b) No bus operated on the highways of this state shall have an overall length in excess of forty-five feet (45').

(c)(1)(A) No semitrailer or trailer operated on the highways of this state in a truck tractor-semi-trailer combination or a truck tractor-trailer combination shall have an overall length, unladen or with load, greater than those lengths that were in actual and lawful use in this state on December 1, 1982.

(B) The state shall not establish or enforce any regulation which imposes a semitrailer or trailer length limitation of less than fifty-three feet, six inches (53'6") on a semitrailer or trailer unit operating in combination with a truck tractor unit.

(2)(A) No semitrailer or trailer operated on the highways of this state in a truck tractor-semi-trailer-trailer combination shall have an overall length, unladen or with load, in excess of twenty-eight feet (28').

(B) Existing semitrailers or trailers of twenty-eight feet, six inches (28' 6") that were in actual and lawful use on December 1, 1982, shall not be prohibited.

(3) The length limitations described in this subsection (c) shall be exclusive of coupling devices, energy conservation devices, and safety devices as provided by federal regulations.

(d)(1) These length limitations shall not apply to:

(A) Vehicles operated in the daytime when transporting poles, pipes, machinery, or other objects of a structural nature which cannot readily be dismembered; or

(B) Vehicles transporting objects operated at nighttime by a public utility or its agents or by electric or telephone cooperatives or their agents when required for emergency repair of public facilities or properties or when operated under special permit as provided by law.

(2) In respect to night transportation, every vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(e)(1)(A) Notwithstanding any other provisions of this subchapter, a combination of vehicles engaged in the transportation of automobiles or other motor vehicles shall be permitted a load extension of three feet (3') beyond the front and four feet (4') beyond the rear of the combination.

(B) This extension shall not be considered in determining the overall length of the combination of vehicles.

(2) Clearance lights or reflectors on the transported vehicles shall be used to delineate the extension of the load when applicable.

(f) No motor vehicle shall be operated on the highways, roads, or streets of this state with more than two (2) trailing vehicles.

(g) Subsection (a) of this section does not apply to vehicles collecting garbage, rubbish, refuse, or recyclable materials which are equipped with front-end loading attachments and containers provided that the vehicle is actively engaged in the collection of garbage, rubbish, refuse, or recyclable materials. For the purposes of this subsection, the term "actively engaged" shall mean during the actual process of collecting garbage, rubbish, refuse, or recyclable materials with the front-end loading attachment or attachments in the downward position.

**History.** Acts 1955, No. 98, § 4; 1963, (1st Ex. Sess.), No. 68, § 4; 1992 (1st Ex. No. 78, §§ 1, 2; 1967, No. 109, § 1; 1973, Sess.), No. 69, § 4; 1993, No. 1021, § 1; No. 153, § 1; 1977, No. 431, § 1; 1983, No. 1997, No. 307, § 1; 2001, No. 1483, § 1; 7, § 2; A.S.A. 1947, § 75-816; Acts 1992 2003, No. 331, § 1; 2003, No. 850, § 1.

## **27-35-209. Forestry machinery exemptions.**

(a) Forestry machinery shall be exempt from the width and height limitations imposed by this subchapter, and all other statutes limiting the width and height of vehicles operating upon the state's highways.

(b) This section shall have no application to forest machinery traveling on federal interstate highways.

**History.** Acts 1981, No. 515, § 1; A.S.A. 1947, § 75-837.

## **27-35-210. Permits for special cargoes.**

(a)(1)(A) The State Highway Commission, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may, in their discretion and as provided in this section, upon receipt of application made in person, in writing, by



telephone, or by any acceptable means of electronic communication, and upon good cause being shown therefor, issue a special permit in writing to applicants desiring to transport cargoes of such nature that the cargo cannot readily be taken apart, separated, dismembered, or otherwise reduced in size or weight.

(B) The permit shall authorize the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this subchapter or otherwise not in conformity with the provisions of this subchapter upon any highway under the jurisdiction of the agency granting the permit and for the maintenance of which the agency is responsible.

(C) No vehicle or combination of vehicles with a multi-unit or otherwise reducible overload may be issued a special permit as provided in this section.

(D) The commission may delegate to other state agencies the authority given in this section to issue special permits.

(2)(A) It shall not be necessary to obtain a permit for nor shall it be unlawful to move any vehicle or machinery in excess of the maximum width prescribed in § 27-35-206 and which is used only for normal farm purposes such as, but not limited to, hay harvesting equipment, plows, tractors, bulldozers, combines, etc., where:

(i) The vehicle or machinery is hauled on a vehicle licensed as a natural resources vehicle;

(ii) The vehicle or machinery is owned by a person primarily engaged in farming operations and is being operated by an owner of the vehicle or an owner's employee;

(iii) The vehicle or machinery is either:

(a) Being transported by a farm machinery equipment dealer or repair person in making a delivery of new or used equipment or machinery to the farm of the purchaser; or

(b) Being used in making a pickup and delivery of the farm machinery or equipment from the farm to a shop of a farm equipment dealer or repair person for repairs and return to the farm; and

(iv) The movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin thereof and no part of the movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility.

(B) It shall not be unlawful to nor shall it be necessary to obtain a special permit to transport round bales of hay upon any public highway or road that is not a fully controlled highway or road if the load does not exceed twelve feet (12') in width.

(C) Notwithstanding the provisions of subdivision (a)(2)(A) of this section, permits may be issued for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for farming operations to travel upon the state highways in excess of a fifty-mile radius of the point of origin or for the movement of earthmoving equipment that is a tractor with dirt pan in tow used

primarily for commercial earthmoving operations for travel upon state highways of any distance subject to the following requirements:

(i) The permit shall be issued only to owners of the vehicles who are primarily engaged in farming or commercial earthmoving operations;

(ii) The permit issued shall be limited to daylight operation for a specified seventy-two-hour period and shall specify the route of travel;

(iii) No part of the movement may be upon any interstate highway or fully controlled access facility;

(iv) Proof of liability insurance for the tow vehicle shall be submitted to the Arkansas State Highway and Transportation Department;

(v) Vehicles shall be accompanied by a front escort vehicle with flashing amber lights, radio contact with the vehicle operator, and "wide load" signs;

(vi)(a) Vehicles may be moved in convoys of no more than three (3) vehicles with escorts at the front and rear of the convoy.

(b) Convoys shall pull off the highway at sufficient intervals to allow traffic to pass; and

(vii) Permit fees shall be set by the commission.

(D)(i) It shall not be necessary to obtain a permit, and it shall be lawful to move any motor home or camping trailer in excess of the maximum width prescribed under § 27-35-206 if the excess width is attributable to a noncargo-carrying appurtenance that extends no more than six inches (6") beyond the body of the vehicle.

(ii) As used in this section, "appurtenance" means:

(a) Awnings and awning support hardware; and

(b) Any appendage that is intended to be an integral part of a motor home or camping trailer.

(b)(1)(A) Except as is otherwise provided for by law, no application shall include nor shall any permit be issued for more than a single continuous movement or operation by one (1) vehicle.

(B) An application may include a request for and a permit may be issued for two (2) or more consecutive movements or operations by a vehicle, all of which shall be executed or performed within six (6) consecutive days and which must be limited to two (2) contiguous counties within the state, which counties must be specified at the time of application.

(C)(i) An application may include a request for a permit for consecutive movements or operations of a vehicle with a cargo not exceeding ten feet eight inches (10' 8") in width along one designated route, all of which movements or operations have origins from an adjacent state and which movements or operations shall be executed or performed within the period of valid vehicle registration.

(ii) A permit may be issued at a fee of one thousand dollars (\$1,000) per year.

(iii) The permit shall be limited to one (1) county within the state where the one-way mileage into that county and within the state is no greater than fifteen (15) miles.



(2)(A)(i) Upon application and the payment of an annual fee of one hundred dollars (\$100), the Director of State Highways and Transportation shall issue a special permit for the movement of a crane which exceeds the length as provided in § 27-35-208, and which is moved on pneumatic tires within a radius of thirty-five (35) miles of a point of origin of the movement, for a period of one (1) year from the date of the issuance of the permit.

(ii) Upon an application containing satisfactory proof that the vehicle is utilized solely for the following movements, the director may issue a special permit for a maximum load overhang beyond the front of a vehicle, which load exceeds the maximum provided in § 27-35-106, but not exceeding five feet (5'), for a vehicle equipped with pneumatic tires and utilized exclusively for the movements of cranes for a period of not more than one (1) year.

(B)(i) Upon application and the payment of an annual fee, the director shall issue a special permit for the movement of a vehicle of special design utilized exclusively for the drilling of water wells, or for the movement of auger equipment utilized exclusively for loading agricultural aircraft, which exceeds the length as provided in § 27-35-106 or § 27-35-208 and which is moved on pneumatic tires, for a period of one (1) year from the date of issuance of the permit.

(ii)(a) For annual movements within a radius of thirty-five (35) miles of a point of origin of the movements, the annual fee shall be one hundred dollars (\$100).

(b) For annual movements exceeding the thirty-five-mile radius, the annual fee shall be three hundred dollars (\$300).

(C) The permits authorized by this subsection (b) may contain limitations on the speed of operation and the routes of operation as the director may deem necessary for safety to the traveling public.

(3) The permits authorized by this subsection (b) for the overlength vehicle or vehicles shall not affect the other requirements of this section that special permits be obtained for vehicles exceeding other maximum size and weight limitations imposed by law.

(c) The application for any permit shall specifically describe:

(1) The vehicle and the load to be operated or moved;

(2) The origin and destination of the vehicle and load;

(3) The approximate dates within which the operation or movement is to be completed; and

(4) The particular highways for which a permit to operate is requested.

(d) Any agency authorized in this section to issue special permits is authorized:

(1) To issue or withhold the permit at its sole discretion, but its action in withholding a permit must be based upon the condition and state of repair of the highway involved, upon the ability of the highways to carry the overweight or oversized vehicle, or upon the danger to the traveling public from the standpoint of safety;

(2) To establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated;



(3) To otherwise limit or prescribe conditions of operation of the vehicles when necessary to assure against damage to the road foundation, surfaces, or structures; and

(4) To require a bond or other security as may be deemed necessary by the agency to compensate for any injury to any roadway or road structure arising out of the operation under the permit.

(e)(1) A charge of seventeen dollars (\$17.00) shall be made for each special permit.

(2) In addition, for each ton or major fraction thereof to be hauled in excess of the lawful weight and load for that vehicle or combination of vehicles, charges shall be made as follows:

Mileage to Be Traveled is:	On Each Ton, Per Ton or Fraction Thereof
Not more than 100 miles .....	\$ 8.00
101 miles to 150 miles, inclusive .....	10.00
151 miles to 200 miles, inclusive .....	12.00
201 miles to 250 miles, inclusive .....	14.00
Over 251 miles .....	16.00

(3) In addition to the fees prescribed in subdivisions (e)(1) and (2) of this section, a fee not to exceed five hundred dollars (\$500) shall be charged for a vehicle, unladen or with load, whose gross weight is one hundred eighty thousand pounds (180,000 lbs.) or greater.

(f)(1) Each permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit.

(2) No person shall violate any of the terms or conditions of the special permit.

(g) It shall be the duty of the respective agencies authorized in this section:

- (1) To issue the permits provided for in this section;
- (2) To collect the fees therefor at the time of the issuance of the permits, except that any applicant may furnish a corporate surety bond guaranteeing the payment of fees for permits as may be issued during any period of time, in accordance with the rules and regulations promulgated by the issuing agency; and
- (3) To transmit the fees to the Treasurer of State to be credited to the State Highway and Transportation Department Fund.

(h) No fee shall be charged to any federal, state, county, or municipal governmental agency for any permit issued under the provisions of this section when the vehicle involved is public property and the proposed movement is on official business.

(i)(1) The commission is hereby authorized to issue permits for the movement of any overweight mobile construction vehicle or equipment upon highways under the commission's jurisdiction provided that the vehicle or equipment is equipped with pneumatic tires and has been reduced in size and weight until further reduction is impractical.

(2) A charge of seventeen dollars (\$17.00) shall be made for each special permit. In addition, for each ton or major fraction thereof to be hauled in excess of the lawful weight and load for that vehicle or equipment, charges shall be made as follows:

Mileage to Be Traveled is:	On First 5	On Next	On Any
	Tons, Per Ton or Fraction Thereof	5 Tons, Per Ton or Frac- tion Thereof	Additional Tonnage, Per Ton or Fraction Thereof
Not more than 100 miles .....	\$1.25	\$2.50	\$3.75
101 miles to 150 miles, inclusive	2.00	3.50	5.00
151 miles to 200 miles, inclusive	2.50	4.50	6.25
201 miles to 250 miles, inclusive	3.25	5.50	7.50
Over 251 miles .....	3.75	6.25	8.75

(j)(1) The commission may issue special permits authorizing the transport of round bales of hay on controlled highways under its jurisdiction provided that the load does not exceed ten feet (10') in width.

(2) The special permits shall be issued without a fee or other charge and shall expire three (3) days after the date of issuance.

(k)(1) The commission is authorized to issue special permits at a charge of one hundred dollars (\$100) for a one-year permit for the movement of cross ties from their first point of processing to the point at which they shall undergo creosote processing by five-axle vehicles registered and licensed pursuant to § 27-14-601(a)(3)(G)(ii) where the loaded weight on any tandem axle on such vehicles is greater than the allowable tandem axle limit of thirty-four thousand pounds (34,000 lbs.) provided that the one-way mileage for such trip is no greater than one hundred (100) miles, that no tandem axle weight exceeds thirty-six thousand five hundred pounds (36,500 lbs.), and that no portion of such trip is on any part of the federal interstate highways.

(2) The commission shall issue no more than five (5) special permits to the same person during the same calendar year.

(l)(1) The commission is hereby authorized to issue special permits in conformance with the provisions of this section for the movement of sealed containerized cargo units upon highways under the commission's jurisdiction subject to the restrictions and conditions deemed appropriate by the commission as contained within this section and the following additional restrictions:

(A) Such containerized cargo units must be part of international trade and be moved on the highways due to importation from or exportation to another country;

(B) A copy of the international bill of lading signed by a customs official or an international bill of lading with equipment interchange and inspection report must be submitted to the commission before a permit may be issued;



(C) The operators of such units shall at all times have in their possession a copy of the documents as described in subdivision (1)(1)(B) of this section;

(D) All vehicles operating under a sealed containerized cargo unit permit shall have a minimum of five (5) full-time load-bearing axles and shall not exceed twenty thousand pounds (20,000 lbs.) per axle or total gross vehicle weight of ninety thousand pounds (90,000 lbs.);

(E) All vehicles operating under a sealed containerized cargo unit permit must not exceed the legal width, length, or height restrictions as set out in this subchapter; and

(F) The payment of the charges for each special permit as ascertained in the manner set out in subsection (e) of this section.

(2) A special permit may be issued pursuant to this subsection (1) only for a single continuous movement or operation to be executed or performed within six (6) consecutive days of the issuance of the permit by one (1) vehicle within one (1) county of this state.

**History.** Acts 1955, No. 98, § 6; 1955, No. 192, § 1; 1965, No. 436, § 1; 1965 (1st Ex. Sess.), No. 45, § 1; 1971, No. 32, § 1; 1977, No. 457, § 1; 1981, No. 807, § 1; 1985, No. 337, § 1; A.S.A. 1947, § 75-818; Acts 1991, No. 219, § 5; 1991, No. 704, § 1; 1995, No. 873, § 1; 1997, No. 136, § 1; 1997, No. 1026, § 2; 1997, No. 1156, § 1; 1999, No. 1511, § 1; 1999, No. 1571, § 1; 2005, No. 276, § 1; 2005, No. 1412, § 1; 2007, No. 241, § 1; 2007, No. 639, §§ 1-4.

**A.C.R.C. Notes.** Acts 1991, No. 219, § 6, provided: "The permit fees and penalties collected pursuant to Sections 5 and 6 of this act, and the sections of Arkansas Code which they amend, shall be collected and deposited pursuant to the laws those sections are amending which provide that such fees and penalties be credited to the State Highway and Transportation Department Fund." Former § 6 of this act was deleted in the legislative process. Sections 5 and 6 of Acts 1991, No. 219, as enacted are codified as §§ 27-35-210(e), 26-56-222(b), and 27-14-601(d), respectively.

Acts 1991, No. 219, § 9, provided: "Provided, nothing in this act shall be construed to amend, abrogate, modify, or repeal any of the provisions of the 'Petroleum Storage Tank Trust Fund Act', Arkansas Code § 8-7-901 et seq., and the fees levied by that act on each gallon of motor fuel or distillate special fuels shall

continue to be collected as provided by those Code sections in addition to all taxes and fees imposed by other sections of the Code on such fuel or fuels as well as those additional taxes and fees imposed by this act."

**Amendments.** The 2005 amendment by No. 276 inserted (a)(2)(A)(ii) and redesignated the remaining subdivisions in (a)(2)(A) accordingly; and added (a)(2)(C).

The 2005 amendment by No. 1412 added (a)(2)(D).

The 2007 amendment by No. 241 inserted "or for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for commercial earthmoving operations for travel upon state highways of any distance" in (a)(2)(C); inserted "or commercial earthmoving" in (a)(2)(C)(i); and deleted "Arkansas Highway Police Division of the" before "Arkansas" in (a)(2)(C)(iv).

The 2007 amendment by No. 639 substituted "in person, in writing, by telephone, or by any acceptable means of electronic communication" for "in person or by telephone, telegraph, or in writing" in (a)(1)(A); in (b)(2)(B), inserted "or for the movement of auger equipment utilized exclusively for loading agricultural aircraft" and "or § 27-35-106"; in (e), substituted "seventeen dollars (\$17.00)" for "twelve dollars (\$12.00)" in (1), and added (3); substituted "seventeen dollars (\$17.00)" for "twelve dollars (\$12.00)" in (i)(2); and made related changes.



## CASE NOTES

## ANALYSIS

Construction With Other Law.  
 Exceptions to Permit Requirement.  
 Jury Instructions.

**Construction With Other Law.**

To the extent that there is a conflict between § 27-35-102 and this section, that conflict is irreconcilable and results in a repeal by implication of § 27-35-102 for purposes of farm tractors traveling on highways at night. That is because the Arkansas General Assembly clearly took up the subject matter of permits for farm tractors anew in the more current statute. *McMickle v. Griffin*, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 240 (Apr. 5, 2007).

**Exceptions to Permit Requirement.**

Subdivision (a)(2)(A) of this section sets out exceptions to the permit requirement

in § 27-35-206(a), including movement on the highways during daylight hours; subdivision (a)(2)(A) of this section is not limited to situations where cargo is being hauled. *McMickle v. Griffin*, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 314 (May 17, 2007).

**Jury Instructions.**

Decedent died when his vehicle hit the back of a farm tractor on a highway; on appeal, the administratrix of the decedent's estate argued that the tractor owner and the tractor driver failed to obtain a necessary permit. To the extent that this section conflicted with § 27-35-102, this section controlled, and the administratrix was entitled to a jury instruction based on this section. *McMickle v. Griffin*, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 240 (Apr. 5, 2007).

**27-35-211. Disposition of fees and penalties.**

All fees and penalties collected under the provisions of §§ 27-35-202 and 27-35-210 shall be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office for deposit into the State Highway and Transportation Department Fund, there to be used for the operation and maintenance of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department.

**History.** Acts 1971, No. 264, § 7; A.S.A. 1947, § 75-834; Acts 2005, No. 1934, § 22.

**Amendments.** The 2005 amendment substituted "be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Ad-

ministrative Services of the Department of Finance and Administration on a form provided by that office for deposit in" for "immediately be deposited in the State Treasury as special revenues. The net amount shall be credited to."

**27-35-212. [Repealed.]**

**Publisher's Notes.** This section, concerning reimbursement for retaliatory tax, was repealed by Acts 1991, No. 219,

§ 9. The section was derived from Acts 1987 (2nd Ex. Sess.), No. 3, § 7.

**27-35-213. Persons permitted to stop and direct traffic.**

(a) In addition to the requirements on persons and payloads issued overweight or oversize permits to move on Arkansas highways under § 27-35-210, a person issued an overweight or oversize permit under this subchapter shall be authorized to temporarily stop or halt traffic

and safely direct, control, and regulate traffic around the overweight or oversize payload while maneuvering his or her overweight or oversize payloads on or off the public streets or highways.

(b) Provided, however, that no overweight or oversize permitted payload shall ever halt or stop traffic on a public street or highway while maneuvering on or off the street or highway for more than three (3) minutes or stop or halt traffic within five hundred feet (500') from the crest of a hill.

**History.** Acts 1991, No. 918, § 1.

### SUBCHAPTER 3 — MANUFACTURED HOMES AND HOUSES

#### SECTION.

- 27-35-301. Definitions.
- 27-35-302. Limitations on movement.
- 27-35-303. Rules and regulations.
- 27-35-304. Special permit to move — Fee.
- 27-35-305. Issuance of permits.
- 27-35-306. Times and places for moving oversized manufactured homes.

#### SECTION.

- 27-35-307. Payment of fees on monthly basis.
- 27-35-308. Disposition of fees.
- 27-35-309. Transportation of houses and other structures.
- 27-35-310. Persons permitted to stop and direct traffic.

**Preambles.** Acts 1971, No. 264 contained a preamble which read: "Whereas, it is necessary to regulate the movement of all mobile home units moved on the highways, roads and streets of this State in excess of 8 feet in width in order to protect the traveling public; and

"Whereas, the interstate and intrastate movement of such mobile home units is now restricted to those mobile home units 12 feet wide or less; and

"Whereas, several manufacturing companies in the State of Arkansas are now manufacturing mobile homes which are wider than 12 feet;

"Now, therefore ..."

**Effective Dates.** Acts 1971, No. 264, § 11: became law without Governor's signature, Mar. 12, 1971. Emergency clause provided: "It has been found and it is declared by the General Assembly of Arkansas that the laws governing the movement of mobile home units interstate and intrastate are inadequate and place undue restrictions on the movement of such units, that the Highway Department should have the authority to designate the highways and specify conditions under which certain mobile home units may be moved in order to facilitate their move-

ment in a safe manner and develop the mobile home industry in Arkansas; and that the immediate passage of this Act is necessary to provide needed changes in the law relating to the moving of mobile home units in this State. Therefore, an emergency is hereby declared to exist and this Act being necessary for the needed preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1975, No. 399, § 3: Mar. 14, 1975. Emergency clause provided: "It is hereby found and determined by the General Assembly that the moving of houses upon the public highways of this State is essential in order to provide for the relocation of housing to accommodate the public of this State, and that the establishment of reasonable regulations for the movement of said houses is necessary to protect the public safety, and that the immediate passage of this Act is necessary to accomplish that purpose. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1985, No. 153, § 8: Feb. 19, 1985. Emergency clause provided: "It is hereby

found and determined by the General Assembly that there has been a substantial increase in the number of manufactured homes being shipped both interstate and intrastate; that in order to alleviate the burden placed on the Department in meeting the demands of this increase, this Act is immediately necessary to authorize these new permit fees. Therefore, an emergency is declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989 (3rd Ex. Sess.), No. 35, § 4: Nov. 8, 1989. Emergency clause provided: "It is hereby found and determined by the

Seventy-Seventh General Assembly of the State of Arkansas meeting in the Third Extraordinary Session of 1989 that restricting the movement of manufactured homes on the public highways of Arkansas on most Saturdays does not provide the driving public with any greater measure of safety on the highways of Arkansas and serves as an unnecessary and costly burden on the manufactured home industry in Arkansas. Therefore, in order to remove an unnecessary burden on commerce, an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

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### 27-35-301. Definitions.

As used in this subchapter:

(1) "Department" means the Arkansas State Highway and Transportation Department;

(2) "Insurance" means a policy of liability insurance, the limits of which are one hundred thousand dollars (\$100,000) for the first bodily injury or death, three hundred thousand dollars (\$300,000) for bodily injury or death for each accident, and one hundred thousand dollars (\$100,000) for property damage resulting from the accident;

(3) "Manufactured home unit" means a structure constructed for use as a dwelling, office, or classroom which is more than eight feet (8') in width or sixty feet (60') in length and is capable of being moved upon the highways when combined with a pulling vehicle;

(4) "Overlength" means any manufactured home unit in excess of sixty feet (60') in length;

(5) "Overwidth" means any manufactured home unit in excess of eight feet (8') in width;

(6) "Special permit" means a written permission to move manufactured home units interstate and intrastate on the highways of this state;

(7) "Structures" means a building, either portable or permanent, other than a manufactured home unit, which cannot be disassembled or reduced in size without substantial damage to the structure; and:

(A) Where any person lives or carries on a business or other calling;

(B) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(C) Which is customarily used for overnight accommodation of persons, whether or not a person is actually present. Each unit of a structure divided into separately occupied units is itself a structure;



(8) "Traveled way" means the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes; and

(9) "Width" means the largest overall width of a manufactured home in the traveling mode, including bay windows, roof projections, overhangs, or eaves under which there is no interior space.

**History.** Acts 1971, No. 264, § 1; 1985, No. 153, § 1; A.S.A. 1947, § 75-828; Acts 1999, No. 780, §§ 1, 2; 2001, No. 990, § 1.

### **27-35-302. Limitations on movement.**

Manufactured home units eight feet (8') or less in width and sixty feet (60') or less in length may be moved on the highways of this state without the procurement of the special permit under this subchapter.

**History.** Acts 1971, No. 264, § 2; 1985, No. 153, § 2; A.S.A. 1947, § 75-829; Acts 1999, No. 780, § 3.

### **27-35-303. Rules and regulations.**

The Arkansas State Highway and Transportation Department shall promulgate rules and regulations covering the application for, and issuance of, special permits for the safe movement of manufactured home units in accordance with the provisions of this subchapter.

**History.** Acts 1971, No. 264, § 8; 1985, No. 153, § 6; A.S.A. 1947, § 75-835.

### **27-35-304. Special permit to move — Fee.**

(a)(1) Manufactured home units may be lawfully moved interstate and intrastate on the highways, roads, and streets of this state by procuring a special permit issued by the Arkansas State Highway and Transportation Department.

(2) A permit shall be required for each single continuous movement of each manufactured home unit.

(3) Manufactured home units in excess of sixteen feet six inches (16' 6") in width may be moved upon the public highways of this state by obtaining an emergency permit approved by the department. Factors to be considered in approval of such emergency permit shall include, but not be limited to:

- (A) Maximum overall width;
- (B) Distance to travel;
- (C) Condition of the highway; and
- (D) The volume and type of traffic.

(4) No special permit shall be issued for any manufactured home unit exceeding eighteen feet (18') in width.

(b)(1) The rules and regulations of the State Highway Commission, with respect to the movement of manufactured homes upon the high-

ways of this state shall be equally applicable to the movement of manufactured homes upon city streets and county roads in this state.

(2) No municipality or county shall require local permits, bonds, fees, or licenses for the interstate or intrastate movement of manufactured homes permitted by the department.

(c)(1) Special permits required under this subchapter may be obtained from any department weigh station or from the central offices of the department, and the department shall charge a fee of seventeen dollars (\$17.00) for the permit, provided that the manufactured home unit to be moved does not exceed sixteen feet six inches (16' 6") in width.

(2) The department shall charge a fee of no more than one hundred fifty dollars (\$150) if the manufactured home to be moved is greater than sixteen feet six inches (16' 6") in width but does not exceed eighteen feet (18') in width.

**History.** Acts 1971, No. 264, § 3; 1985, No. 153, § 3; A.S.A. 1947, § 75-830; Acts 1993, No. 1113, § 1; 1999, No. 780, § 4; 2007, No. 639, § 5.

**Amendments.** The 2007 amendment substituted "seventeen dollars (\$17.00)" for "ten dollars (\$10.00)" in (c)(1).

### **27-35-305. Issuance of permits.**

(a) Special permits shall be issued to any licensed carrier, dealer, or manufacturer who files with the Arkansas State Highway and Transportation Department evidence of acceptable insurance coverage.

(b)(1) Persons moving their personal manufactured home units not over twelve feet (12') wide, exclusive of clearance lights, registered to such persons, and not for the purpose of sale, with a truck of not less than one-ton factory rated capacity, equipped with such devices and safety equipment and in compliance with safety regulations as required by the Interstate Commerce Commission as the pulling vehicle, when the driver of a pulling vehicle is experienced in such driving, shall be entitled to a special permit upon a showing of evidence that they have insurance acceptable to the department for, and title to, the manufactured home unit.

(2) The person applying for the permit will be allowed to move his or her manufactured home unit to the first point where a permit may be secured.

**History.** Acts 1971, No. 264, § 4; 1985, No. 153, § 4; A.S.A. 1947, § 75-831.

### **27-35-306. Times and places for moving oversized manufactured homes.**

(a) Overwidth or overlength manufactured home units shall be moved on those highways, roads, and streets and at times and under conditions as may be designated by the Arkansas State Highway and Transportation Department.

(b) The department shall not issue any permits for the movement of a manufactured home unit over any highway, road, or street, which movement, in the opinion of the department, would endanger the traveling public or would potentially damage any structures or signs on or adjacent to any highway, road, or street.

(c) To the extent that the application of this section to highways which are a part of the national system of interstate and defense highways, as referred to in 23 U.S.C. § 103(d) [repealed], would cause the State of Arkansas to be deprived of any federal funds for highway purposes, then this subchapter, to such extent, shall not be applicable to highways which are a part of the national system of interstate and defense highways.

(d) The designated routes, times, and speeds for the movement shall be clearly shown in the permit.

(e) The acceptance of a permit by an applicant will be considered a clear commitment for compliance with all of the provisions of this subchapter and for compliance with the safety regulations prescribed by the department for such movement.

(f)(1) Overwidth or overlength manufactured home units ten feet (10') or less in width shall not be moved on Sundays or such legal holidays as shall be specified by the department. Additionally, such units shall not be moved on Saturday afternoons, if it is determined by the department that such a movement would endanger the safety of the traveling public due to anticipated traffic volumes being greater than normal on the particular highway or section of highway on which the movement is sought to be made, where traffic volumes are anticipated to be greater than normal due to a special event, including, but not limited to, college or university athletic events, or regional or state fairs scheduled for that particular Saturday.

(2) Overwidth or overlength manufactured home units ten feet (10') or more in width shall not be moved on Sundays or such legal holidays as shall be specified by the department. Additionally, such units shall not be moved on Saturdays, if it is determined by the department that such a movement would endanger the safety of the traveling public due to anticipated traffic volumes being greater than normal on the particular highway or section of highway on which the movement is sought to be made, where traffic volumes are anticipated to be greater than normal due to a special event, including, but not limited to, college or university athletic events, or regional or state fairs scheduled for that particular Saturday.

(g)(1) On any controlled-access, divided highway with four (4) or more lanes, any manufactured home in excess of fourteen feet six inches (14' 6") in width shall be accompanied by one (1) escort vehicle. The escort vehicle shall travel behind the manufactured home.

(2)(A) On all other highways, the movement of manufactured homes in excess of twelve feet (12') in width through fourteen feet six inches (14' 6") in width shall be accompanied by one (1) escort vehicle. The escort vehicle shall travel in front of the manufactured home.



(B) The movement of manufactured homes in excess of fourteen feet six inches (14' 6") in width shall be accompanied by two (2) escort vehicles. One (1) escort vehicle shall travel in front of the manufactured home, and one (1) escort vehicle shall travel behind the manufactured home.

**History.** Acts 1971, No. 264, § 5; 1985, 1989 (3rd Ex. Sess.), No. 35, § 1; 1993, No. 153, § 5; A.S.A. 1947, § 75-832; Acts 1113, § 2; 1999, No. 780, § 5.

### **27-35-307. Payment of fees on monthly basis.**

(a) Persons posting a surety bond with the Arkansas State Highway and Transportation Department in the amount of one thousand dollars (\$1,000), payable on default to the State of Arkansas, shall be allowed to pay the fees accruing for permits on a monthly basis.

(b) Should the person fail to pay any sum owing to the department within thirty (30) days after due, the department may execute on the bond.

**History.** Acts 1971, No. 264, § 6; A.S.A. 1947, § 75-833.

### **27-35-308. Disposition of fees.**

All fees collected under the provisions of this subchapter shall forthwith be deposited into the State Treasury as special revenues. The net amount shall be credited to the State Highway and Transportation Department Fund, there to be used for the operation and maintenance of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department.

**History.** Acts 1971, No. 264, § 7; A.S.A. 1947, § 75-834.

### **27-35-309. Transportation of houses and other structures.**

(a) Qualified house or structural movers in this state who have met the financial responsibility requirements of the laws of this state and regulations of the Arkansas State Highway and Transportation Department shall be authorized to move upon the public highways of this state houses and other structures up to and including twenty-eight feet, six inches (28'6") in width, exclusive of roof overhang, upon obtaining a permit as required by law.

(b)(1) If determined to be in the best interest of the state and where special circumstances are shown to exist, houses and other structures having a width in excess of twenty-eight feet, six inches (28'6"), excluding roof overhang, may be moved upon the public highways of this state by obtaining a permit approved by the Director of State Highways and Transportation.

(2) Factors to be considered in approval of the special permit shall include:

- (A) Maximum overall width;
- (B) Distance to travel;
- (C) Condition of the highway; and
- (D) The volume or type of traffic.

(c)(1) The State Highway Commission may issue such special regulations for the movement of houses and other structures on the highways as the commission deems necessary for the protection of the public safety.

(2)(A) The rules and regulations of the commission, with respect to the movement of overwidth, overheight, or overlength loads upon the highways of this state shall be equally applicable to the movement of houses and other structures upon city streets and county roads of this state.

(B) Municipalities and counties, respectively, may make and enforce other rules and regulations regarding the movement of houses and other structures on city streets and on county roads as they deem appropriate.

(d) The provisions of this section are supplemental to the existing laws of this state pertaining to the moving of houses and other structures upon the public highways of this state and shall repeal only laws, or parts of laws, specifically in conflict with this section.

**History.** Acts 1965, No. 394, §§ 1, 2; 836, 75-836n, 76-135, 76-136; Acts 2001, 1975, No. 399, §§ 1, 2; A.S.A. 1947, §§ 75- No. 990, § 2.

### **27-35-310. Persons permitted to stop and direct traffic.**

(a) In addition to the requirements on persons and payloads issued permits to move manufactured homes and houses on Arkansas highways under §§ 27-35-304 and 27-35-309, a person issued a permit to move manufactured homes or houses under this subchapter shall be authorized to temporarily stop or halt traffic and to safely direct, control, and regulate traffic around the manufactured home or house while maneuvering his or her payloads on or off the public streets, highways, or bridges.

(b) Provided, however, that no person moving a permitted manufactured home or house shall ever halt or stop traffic on a public street or highway while maneuvering a manufactured home or house on or off the street or highway for more than three (3) minutes or stop or halt traffic within five hundred feet (500') from the crest of a hill.

**History.** Acts 1991, No. 918, § 2; 1995, No. 1296, § 94; 1999, No. 780, § 6.

**Publisher's Notes.** Acts 1995, No. 1296, § 94, inadvertently designated § 27-35-510, rather than § 27-35-310, as

the section being amended. Because no § 27-35-510 exists, Acts 1995, No. 1296, § 94 was treated as amending this section.

## CHAPTER 36

### LIGHTING REGULATIONS

#### SUBCHAPTER.

1. GENERAL PROVISIONS.
  2. LIGHTING REQUIREMENTS GENERALLY.
  3. LIGHTS FOR EMERGENCY VEHICLES.
- 

**A.C.R.C. Notes.** References to "this chapter" in subchapters 1 and 3 and §§ 27-36-201 — 27-36-220 may not apply to § 27-36-221 or § 27-36-222, which were enacted subsequently.

#### RESEARCH REFERENCES

**Am. Jur.** 7A Am. Jur. 2d, Auto., § 224 et seq.      **C.J.S.** 60A C.J.S., Motor Veh., §§ 537-540.

**Ark. L. Rev.** Torts — Negligence — Failure to Use Safety Devices on Mechanical Apparatus, 15 Ark. L. Rev. 212.

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#### SUBCHAPTER 1 — GENERAL PROVISIONS

#### SECTION.

- 27-36-101. Violations.  
27-36-102. Exemptions from provisions.
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**Effective Dates.** Acts 1937, No. 300, § 165; Mar. 23, 1937. Emergency clause provided: "It is hereby ascertained and determined by the General Assembly that the proper regulation of traffic on the highways is a necessary function of the State Government, and that the loss of life

and property under the present laws creates an emergency. Therefore, this act being necessary for the immediate preservation of the public peace, health and safety, shall go into effect immediately upon its passage and approval."

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#### 27-36-101. Violations.

It is a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles, which is in such unsafe condition as to endanger any person or which does not contain those parts, or which is not at all times equipped with lamps in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.



**History.** Acts 1937, No. 300, § 103; Pope's Dig., § 6760; A.S.A. 1947, § 75-701.

**Publisher's Notes.** Acts 1937, No. 300, § 103, is also codified as § 27-37-101.

## CASE NOTES

### ANALYSIS

Instructions.  
Unsafe Conditions.

#### Instructions.

It is not error for a court to tell a jury in the language of this section that it is a misdemeanor for a person to drive a vehicle in unsafe condition. *Bryant v. Thomas*, 230 Ark. 999, 328 S.W.2d 83 (1959).

It is not error for a court to tell a jury that a violation of this section is evidence

of negligence. *Bryant v. Thomas*, 230 Ark. 999, 328 S.W.2d 83 (1959).

#### Unsafe Conditions.

The unsafe condition referred to in this section is not limited to a lack of equipment such as lights; it also includes the continued use of a vehicle whose engine the driver is aware has not been functioning properly. *Bryant v. Thomas*, 230 Ark. 999, 328 S.W.2d 83 (1959).

**Cited:** *United States v. Hollman*, 541 F.2d 196 (8th Cir. 1976).

## 27-36-102. Exemptions from provisions.

The provisions of this chapter with respect to lamps on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as made applicable by this chapter.

**History.** Acts 1937, No. 300, § 103; Pope's Dig., § 6760; A.S.A. 1947, § 75-701.

**Publisher's Notes.** Acts 1937, No. 300, § 103, is also codified as § 27-37-102.

## CASE NOTES

**Cited:** *United States v. Hollman*, 541 F.2d 196 (8th Cir. 1976).

## SUBCHAPTER 2 — LIGHTING REQUIREMENTS GENERALLY

### SECTION.

- 27-36-201. Regulation of lighting devices.
- 27-36-202. Revocation of certificate of approval on lighting devices.
- 27-36-203. Sale or use of lamps and other devices.
- 27-36-204. When lighted lamps required.
- 27-36-205. Use of parking lights.
- 27-36-206. Lamps on parked vehicles.
- 27-36-207. Number of driving lamps required or permitted.
- 27-36-208. Special restrictions on lamps.
- 27-36-209. Head lamps.
- 27-36-210. Multiple-beam road lighting equipment.
- 27-36-211. Use of multiple-beam road lighting equipment.
- 27-36-212. Single-beam road lighting equipment.

### SECTION.

- 27-36-213. [Repealed.]
- 27-36-214. Spot lamps, fog lamps, and auxiliary passing and driving lamps.
- 27-36-215. Tail lamps and reflectors.
- 27-36-216. Signal lamps and signal devices.
- 27-36-217. Additional lighting equipment generally.
- 27-36-218. Additional lamps and reflectors on buses, trucks, tractors, and trailers.
- 27-36-219. Lamps on farm tractors and equipment.
- 27-36-220. Lamps on bicycles.
- 27-36-221. Auxiliary driving lights.
- 27-36-222. Penalty for violation of § 27-36-221.

**A.C.R.C. Notes.** References to “this subchapter” in §§ 27-36-201 — 27-36-220 may not apply to § 27-36-221 or § 27-36-222, which were enacted subsequently.

**Cross References.** Equipment for motorcycles, etc., § 27-20-104.

**Effective Dates.** Acts 1937, No. 300, § 165: Mar. 23, 1937. Emergency clause provided: “It is hereby ascertained and determined by the General Assembly that the proper regulation of traffic on the highways is a necessary function of the State Government, and that the loss of life and property under the present laws creates an emergency. Therefore, this act being necessary for the immediate preservation of the public peace, health and safety, shall go into effect immediately upon its passage and approval.”

Acts 1955, No. 158, § 5: Mar. 8, 1955.

Acts 1957, No. 169, § 3: Mar. 6, 1957. Emergency clause provided: “It is hereby found and determined by the General Assembly of this State that the present law limits the number of head lamps on motor vehicles used in this State to two head lamps, that a number of new motor vehicles are being produced with more than two head lamps, that such additional head

lamps offer improvements which promote greater visibility while driving at night and thereby reduce accidents, and that the immediate passage of this Act is necessary in order to make the use of such head lamps legal in this State and thereby promote the public peace, safety and welfare. Therefore an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1969, No. 299, § 3: Mar. 21, 1969. Emergency clause provided: “It is hereby found and determined by the General Assembly that the present law does not clearly require vehicles manufactured or assembled prior to July 1, 1959 and operated on the highways to be equipped for highway safety and the proper enforcement of the traffic safety laws and regulations of this State. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from the date of its passage and approval.”

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## 27-36-201. Regulation of lighting devices.

(a)(1) The State Highway Commission is authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of lighting devices, and their installation, adjustment, and aiming, and adjustment when in use on motor vehicles.

(2) Such regulations shall correlate with and, so far as practicable, conform to the then-current standards and specifications of the Society of Automotive Engineers applicable to such equipment.

(b) The commission is required to approve or disapprove any lighting device, of a type on which approval is specifically required in this subchapter, within a reasonable time after such device has been submitted.

(c) The commission is authorized to set up the procedure which shall be followed when any device is submitted for approval.

(d) The commission, upon approving any lamp or device, shall issue to the applicant a certificate of approval, together with any instructions determined by the commission.

(e) The commission shall publish lists of all lamps and devices by name and type which have been approved by the commission.

**History.** Acts 1937, No. 300, § 122;  
Pope's Dig., § 6782; Acts 1955, No. 158,  
§ 4; A.S.A. 1947, § 75-720.

### **27-36-202. Revocation of certificate of approval on lighting devices.**

(a)(1) When the State Highway Commission has reason to believe that an approved device as being sold commercially does not comply with the requirements of this subchapter, it may, after giving thirty (30) days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of the approved device.

(2)(A) After the hearing, the commission shall determine whether the approved device meets the requirements of this subchapter.

(B) If the device does not meet the requirements of this subchapter, the commission shall give notice to the person holding the certificate of approval for the device in this state.

(b)(1)(A) If, at the expiration of ninety (90) days after such notice, the person holding the certificate of approval for such device has failed to satisfy the commission that the approved device, as thereafter to be sold, meets the requirements of this subchapter, then the commission shall suspend or revoke the approval issued until or unless the device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this subchapter.

(B) The commission may require that all such devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this subchapter.

(2)(A) At the time of the retest, the commission may purchase in the open market and submit to the testing agency one (1) or more sets of the approved devices.

(B) If the device upon the retest fails to meet the requirements of this subchapter, then the commission may refuse to renew the certificate of approval of the device.

**History.** Acts 1937, No. 300, § 123;  
Pope's Dig., § 6783; A.S.A. 1947, § 75-721.

### **27-36-203. Sale or use of lamps and other devices.**

(a)(1) On and after July 1, 1955, no person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, or use upon any such vehicle, any headlamp, auxiliary, or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this subchapter, or parts of any of these items which tend to change the original design or performance, unless of a type which has been submitted to the State Highway Commission and approved by the commission.



(2) This subsection (a) shall not apply to equipment in actual use when this section is adopted or replacement parts therefor.

(b) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer any lamp or device mentioned in this section which has been approved by the commission unless the lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(c) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless the lamps are mounted, adjusted, and aimed in accordance with instructions of the commission.

**History.** Acts 1937, No. 300, § 121; Pope's Dig., § 6781; Acts 1955, No. 158, § 3; A.S.A. 1947, § 75-719.

### **27-36-204. When lighted lamps required.**

(a)(1) Every vehicle, except motorcycles and motor-driven cycles, upon a highway within this state at any time from one-half ( $\frac{1}{2}$ ) hour after sunset to one-half ( $\frac{1}{2}$ ) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet (500') ahead shall display lighted lamps and illuminating devices as respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as stated.

(2)(A) Every vehicle, except motorcycles and motor-driven cycles, upon a street or highway within this state shall display lighted lamps and illuminating devices, as respectively required for different classes of vehicles, during any period in which the vehicle's windshield wipers are being used for clearing or cleaning rain, snow, or other precipitation from the windshield because of inclement weather.

(B)(i) No vehicle or the operator of the vehicle shall be stopped, inspected, or detained solely for violations of the requirements of subdivision (a)(2)(A) of this section.

(ii) When any vehicle operator is stopped by a law enforcement officer and the law enforcement officer notes that the provisions of subdivision (a)(2)(A) of this section have not been violated, any fine levied against the vehicle operator as a result of being stopped shall be reduced by five dollars (\$5.00) as an incentive to comply with the provisions of subdivision (a)(2)(A) of this section.

(C) Any person who violates the provisions of subdivision (a)(2)(A) of this section shall be subject to a fine not to exceed twenty-five dollars (\$25.00), and, if a person is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for a violation hereof, no court costs or other costs or fees shall be assessed.

(b) Every motorcycle and every motor-driven cycle upon a street or highway within this state at any time shall display lighted lamps and illuminating devices as respectively required for different classes of

vehicles, subject to exceptions with respect to parked vehicles as stated. During the period between sunrise and ending at sunset, the headlamp displayed by a motorcycle or motor-driven cycle may use either a continuous beam or a pulsating beam.

(c) Whenever a requirement is declared as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the provisions shall apply during the times stated in subsection (a) of this section in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions, unless a different time or condition is expressly stated.

(d) Whenever a requirement is declared as to the mounted height of lamps or devices, it shall mean from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load.

**History.** Acts 1937, No. 300, § 104; Pope's Dig., § 6761; Acts 1959, No. 307, § 41; 1967, No. 295, § 1; A.S.A. 1947, § 75-702; Acts 1995, No. 808, § 1; 1997, No. 356, § 1.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Survey of Arkansas Law, Criminal Law, 1 U. Ark. Little Rock L.J. 153.

## CASE NOTES

### Instructions.

In view of the evidence, it was proper for the court to instruct the jury as to defendant's duty under subsection (a) of this section. *Hooten v. De Jarnatt*, 237 Ark. 792, 376 S.W.2d 272 (1964).

**Cited:** Arkansas State Hwy. Comm'n v. Heirs of Ring, 247 Ark. 170, 444 S.W.2d 705 (1969).

### 27-36-205. Use of parking lights.

(a) No motor vehicle shall be operated on the public streets, highways, or roads of this state while the parking lights or lamps of such motor vehicle are on unless the headlamps are also on.

(b) This section shall not apply to a motor vehicle which is parked.

**History.** Acts 1991, No. 895, § 1.

**Publisher's Notes.** Former § 27-36-205, concerning use of parking lights, was repealed by Acts 1987, No. 257, § 1. The

former section was derived from Acts 1969, No. 318, § 1; A.S.A. 1947, § 75-702.1.

**27-36-206. Lamps on parked vehicles.**

(a) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended during the times mentioned in § 27-36-204, the vehicle shall be equipped with one (1) or more lamps which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred feet (500') to the front of the vehicle and a red light visible a distance of five hundred feet (500') to the rear.

(b) Local authorities may provide by ordinance or resolution that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or object within a distance of five hundred feet (500') upon the highway.

(c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**History.** Acts 1937, No. 300, § 109; Pope's Dig., § 6769; Acts 1961, No. 7, § 1; A.S.A. 1947, § 75-707.

**CASE NOTES****Evidence of Negligence.**

Where truck driver, after engine failed to operate, was unable to move entire truck from highway, his action in turning off truck lights and thereby failing to comply with this section could be considered by jury in considering negligence. *Bryant v. Thomas*, 230 Ark. 999, 328 S.W.2d 83 (1959).

The jury could find that trailer truck driver's negligence in stopping on the highway created a hazard to oncoming

traffic which was increased by his failure to comply with the lighting requirements of this section. *Bryant v. Thomas*, 230 Ark. 999, 328 S.W.2d 83 (1959).

Where oncoming vehicle strikes car parked off highway, failure of parked car to dim lights as required in subsection (c) of this section is evidence of negligence and can be considered by jury as proximate cause of accident. *Riley v. Johnson*, 239 Ark. 37, 386 S.W.2d 942 (1965).

**27-36-207. Number of driving lamps required or permitted.**

(a) At all times specified in § 27-36-204, at least two (2) lighted lamps shall be displayed, one (1) on each side at the front of every motor vehicle, except when the vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with headlamps as required in this subchapter is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when on a highway.

**History.** Acts 1937, No. 300, § 119; Pope's Dig., § 6779; A.S.A. 1947, § 75-717.



**27-36-208. Special restrictions on lamps.**

(a) Any lighted lamp or illuminating device upon a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet (75') from the vehicle.

(b)(1) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red, blue, or green light visible from directly in front of the center thereof.

(2) This subsection shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this subchapter.

(c) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

**History.** Acts 1937, No. 300, § 120; Pope's Dig., § 6780; Acts 1959, No. 307, § 50; A.S.A. 1947, § 75-718; Acts 2003, No. 539, § 1.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

**27-36-209. Head lamps.**

(a)(1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) headlamps, with at least one (1) on each side of the front of the motor vehicle.

(2) The headlamps shall comply with the requirements and limitations set forth in this subchapter.

(b) Every motorcycle and every motor-driven cycle shall be equipped with at least one (1) and not more than (2) headlamps, which shall comply with the requirements and limitations of this subchapter.

(c) Every headlamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches (54") nor less than twenty-four inches (24"), to be measured as set forth in § 27-36-204.

(d) A covering, coating, or any type of alteration that reduces the illumination intensity of a headlamp must be removed from the headlamp during any time that the use of headlamps is required.

**History.** Acts 1937, No. 300, § 105; Pope's Dig., § 6762; Acts 1957, No. 169, § 1; 1959, No. 307, § 42; A.S.A. 1947, § 75-703; Acts 2001, No. 623, § 1.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

**Instructions.**

Instruction that if jury found that defendant was, at the time of the collision, operating an automobile with only one light and that such operation caused pedestrian's death he was guilty of involuntary manslaughter was erroneous, since the evidence should be considered along with other facts and circumstances in determining whether defendant was operat-

ing his car in a careless, negligent, or unlawful manner. *Martin v. State*, 206 Ark. 151, 174 S.W.2d 242 (1943), questioned, *In re Briefing of Criminal Cases*, 234 Ark. 826, 234 Ark. 846, 354 S.W.2d 740 (1962) (decision under prior law).

**Cited:** *Arkansas State Hwy. Comm'n v. Heirs of Ring*, 247 Ark. 170, 444 S.W.2d 705 (1969).

**27-36-210. Multiple-beam road lighting equipment.**

(a) Except as otherwise provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp, or combination thereof, on motor vehicles, other than motorcycles or motor-driven cycles, shall be so arranged that the driver may select at will between distributions of light projected to different elevations.

(b) The lamps may, in addition, be so arranged that the selection can be made automatically, subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet (350') ahead for all conditions of loading;

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet (100') ahead; and

(3) On a straight level road under any condition of loading, none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(c)(1) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after July 1, 1955, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted.

(2) The indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle so equipped.

**History.** Acts 1937, No. 300, § 115; Pope's Dig., § 6775; Acts 1955, No. 158, § 1; A.S.A. 1947, § 75-713.

**27-36-211. Use of multiple-beam road lighting equipment.**

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in § 27-36-204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a

safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1)(A) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet (500'), the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(B) The lowermost distribution of light, or composite beam, specified in § 27-36-210(b)(2) shall be deemed to avoid glare at all times, regardless of road contour and loading; and

(2) Whenever the driver of a vehicle follows another vehicle within two hundred feet (200') to the rear, except when engaged in the act of overtaking and passing, the driver shall use a distribution of light permissible under this subchapter other than the uppermost distribution of light specified in § 27-36-210(b)(1).

**History.** Acts 1937, No. 300, § 116; Pope's Dig., § 6776; Acts 1955, No. 158, § 2; A.S.A. 1947, § 75-714.

#### CASE NOTES

##### **Jury Questions.**

Whether driver's failure to dim his lights constituted negligence under the circumstances was for the jury. *Ward v. Walker*, 206 Ark. 988, 178 S.W.2d 62 (1944).

Questions whether drivers using just lower beams in passing were negligent and whether pedestrian was contributorily negligent were for jury. *Haralson v. Jones Truck Lines*, 223 Ark. 813, 270 S.W.2d 892 (1954).

Failure of parked car to dim lights as required is evidence of negligence and can be considered by jury as proximate cause of accident. *Riley v. Johnson*, 239 Ark. 37, 386 S.W.2d 942 (1965).

Jury could have found driver's failure to see obstruction at distance less than illuminated by headlights indicated he was not keeping a proper lookout. *Greyhound Lines v. Harmon*, 239 Ark. 1031, 396 S.W.2d 291 (1965).

##### **27-36-212. Single-beam road lighting equipment.**

Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to one (1) year after March 23, 1938, in lieu of multiple-beam road lighting equipment specified in § 27-36-210 if the single distribution of light complies with the following requirements and limitations:

(1) The headlamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet (25') ahead, project higher than a level of five inches (5") below the level of the center of the lamp from which it comes and in no case higher than forty-two inches (42") above the level on which the vehicle stands at a distance of seventy-five feet (75') ahead; and

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet (200').



**History.** Acts 1937, No. 300, § 117; Pope's Dig., § 6777; A.S.A. 1947, § 75-715.

### **27-36-213. [Repealed.]**

**Publisher's Notes.** This section, concerning alternate road lighting equipment, was repealed by Acts 2001, No. 1713, § 1. The section was derived from Acts 1937, No. 300, § 118; Pope's Dig., § 6778; A.S.A. 1947, § 75-716.

### **27-36-214. Spot lamps, fog lamps, and auxiliary passing and driving lamps.**

#### **(a) SPOT LAMPS.**

(1) Any motor vehicle may be equipped with not more than two (2) spot lamps.

(2) Every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet (100') ahead of the vehicle.

#### **(b) FOG LAMPS.**

(1) Any motor vehicle may be equipped with not more than two (2) fog lamps mounted on the front at a height not less than twelve inches (12") nor more than thirty inches (30") above the level surface upon which the vehicle stands.

(2) The fog lamps shall be so aimed that when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of twenty-five feet (25') ahead, project higher than a level of four inches (4") below the level of the center of the lamp from which it comes.

(3) Lighted fog lamps meeting these requirements may be used with lower headlamp beams as specified in § 27-36-210(b)(2).

#### **(c) AUXILIARY PASSING LAMPS.**

(1) Any motor vehicle may be equipped with not more than two (2) auxiliary passing lamps mounted on the front at a height not less than twenty-four inches (24") nor more than forty-two inches (42") above the level surface upon which the vehicle stands.

(2) The provisions of § 27-36-210 shall apply to any combination of headlamps and auxiliary passing lamps.

#### **(d) AUXILIARY DRIVING LAMPS.**

(1) Any motor vehicle may be equipped with not more than two (2) auxiliary driving lamps mounted on the front at a height not less than sixteen inches (16") nor more than forty-two inches (42") above the level surface upon which the vehicle stands.

(2) The provisions of § 27-36-210 shall apply to any combination of headlamps and auxiliary driving lamps.

(e) **ORNAMENTAL LIGHT-EMITTING DIODES WHITE LIGHTS.** No motor vehicle may be equipped with more than two (2) ornamental light-emitting diodes white lights mounted on the front of the vehicle.

**History.** Acts 1937, No. 300, § 112; Pope's Dig., § 6772; Acts 1959, No. 307, § 46; A.S.A. 1947, § 75-710; Acts 2003, No. 1096, § 1.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

### **27-36-215. Tail lamps and reflectors.**

(a)(1) Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one (1) tail lamp mounted on the rear, which, when lighted as required, shall emit a red light plainly visible from a distance of five hundred feet (500') to the rear.

(2) In the case of a train of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

(3) Every mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after June 11, 1959, shall be equipped with at least two (2) tail lamps mounted on the rear, on the same level and as widely spaced laterally as practicable, which, when lighted as required, shall comply with the provisions of this section.

(b) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches (72") nor less than twenty inches (20").

(c)(1)(A) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible for a distance of fifty feet (50') to the rear.

(B) It shall be a violation of this subsection (c) for any other color of light to be displayed around the registration plate or for white light to be excessively used so as to render the registration plate illegible from a distance of less than fifty feet (50').

(2) Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

(d)(1) Every new motor vehicle sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two (2) red reflectors.

(2) Every motorcycle and every motor-driven cycle shall carry at least one (1) reflector, meeting the requirements of this section.

(3) Vehicles of the type mentioned in § 27-36-219 shall be equipped with reflectors as required in those sections applicable thereto.

(e)(1) Every reflector shall be mounted on the vehicle at a height not less than twenty inches (20") nor more than sixty inches (60"), measured as set forth in § 27-36-204 and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet (350') to one hundred feet (100') from the vehicle when directly in front of lawful upper beams of headlamps.

(2) Visibility from a greater distance will be required of reflectors on certain types of vehicles.

**History.** Acts 1937, No. 300, § 106; Pope's Dig., § 6763; Acts 1959, No. 307, § 43; A.S.A. 1947, § 75-704; Acts 1997, No. 125, § 1.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

### CASE NOTES

**Cited:** United States v. Hollman, 541 F.2d 196 (8th Cir. 1976); Burris v. State, 330 Ark. 66, 954 S.W.2d 209 (1997).

### 27-36-216. Signal lamps and signal devices.

(a)(1) Any motor vehicle may be equipped, and when required under this subchapter shall be equipped, with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet (100') to the rear in normal sunlight.

(2) They shall be actuated upon application of the service or foot brake, which may, but need not, be incorporated with one (1) or more other rear lamps.

(b)(1) Any motor vehicle may be equipped, and when required under this subchapter shall be equipped, with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left.

(2) The lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less one hundred feet (100') to the front in normal sunlight.

(3) The lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet (100') to the rear in normal sunlight.

(4) When actuated, these lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

(c)(1) Any motor vehicle, or combination of vehicles, eighty inches (80") or more in overall width and manufactured or assembled after July 1, 1959, shall be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or the left.

(2) The lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred feet (500') to the front in normal sunlight; and

(3) The lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall



display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than five hundred feet (500') to the rear in normal sunlight;

(4) When actuated, these lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

(d)(1)(A) No person shall operate on the highways any motor vehicle registered in this state and manufactured or assembled after July 1, 1959, unless it is equipped with at least two (2) stop lamps meeting the requirements of this section.

(B) All motorcycles, motor-driven cycles, and truck tractors of whatever date manufactured or assembled and all motor vehicles registered in this state and manufactured or assembled prior to July 1, 1959, operated upon the highways shall be equipped with at least one (1) stop lamp meeting the requirements of this section.

(2)(A) No person shall operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after July 1, 1959, unless it is equipped with electrical turn signals meeting the requirements of this section.

(B) This provision shall not apply to any motorcycle or motor-driven cycle.

(e) No stop lamp or signal lamp shall project a glaring light.

**History.** Acts 1937, No. 300, § 113; Pope's Dig., § 6773; Acts 1959, No. 307, § 48; 1969, No. 299, § 1; A.S.A. 1947, § 75-711.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

### ANALYSIS

In General.  
Stop Lamps.

#### In General.

Police officer had reasonable suspicion to stop defendant's vehicle after he observed that the left taillight and brake light of the car was not functioning, which was a violation of subsections (a) and (b) of this section. *Sims v. State*, 356 Ark. 507, 157 S.W.3d 530 (2004).

### Stop Lamps.

Although this section merely requires at least two stop lamps on an automobile, a police officer's stop of a vehicle on which two left rear brake lights and one of the two right rear brake lights were functioning was justifiable and lawful. *Enzor v. State*, 262 Ark. 545, 559 S.W.2d 148 (1977).

**Cited:** *United States v. Hollman*, 541 F.2d 196 (8th Cir. 1976).

## 27-36-217. Additional lighting equipment generally.

(a) Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one (1) running-board courtesy lamp on each side which shall emit a white or amber light without glare.

(c)(1) Any motor vehicle may be equipped with not more than two (2) backup lamps, either separately or in combination with other lamps.

(2) Any backup lamp shall not be lighted when the motor vehicle is in forward motion.

(d)(1)(A) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(B) When so equipped, such warning lamps may be displayed in addition to any other warning signals required by this subchapter.

(2) The lamps used to display such warning to the front shall be mounted at the same level, and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber.

(3) The lamps used to display such warning to the rear shall be mounted at the same level, and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red.

(4) These warning lights shall be visible from a distance of not less than five hundred feet (500') under normal atmospheric conditions at night.

(e)(1) Any commercial vehicle eighty inches (80") or more in overall width may be equipped with not more than three (3) identification lamps showing to the front, which shall emit an amber light without glare, and not more than three (3) identification lamps showing to the rear, which shall emit a red light without glare.

(2) Such lamps shall be placed in a row and may be mounted either horizontally or vertically.

**History.** Acts 1937, No. 300, § 114; Pope's Dig., § 6774; Acts 1959, No. 307, § 49; A.S.A. 1947, § 75-712. **Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

### **27-36-218. Additional lamps and reflectors on buses, trucks, tractors, and trailers.**

(a) In addition to other equipment required by this subchapter, the following vehicles shall be equipped as stated in this section:

(1) On every bus or truck, whatever its size, there shall be the following:

(A) On the rear, two (2) reflectors, one (1) at each side; and

(B) One (1) stop light.

(2) On every bus or truck eighty inches (80") or more in overall width, in addition to the requirements in subdivision (a)(1):

(A) On the front, two (2) clearance lamps, one (1) at each side;

(B) On the rear, two (2) clearance lamps, one (1) at each side;

(C) On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear; and

- (D) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.
- (3) On every truck tractor:
  - (A) On the front, two (2) clearance lamps, one (1) at each side; and
  - (B) On the rear, one (1) stop light.
- (4) On every trailer or semitrailer having a gross weight in excess of three thousand pounds (3,000 lbs.):
  - (A) On the front, two (2) clearance lamps, one (1) at each side;
  - (B) On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear;
  - (C) On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear; and
  - (D) On the rear, two (2) clearance lamps, one (1) at each side; also two (2) reflectors, one (1) at each side, and one (1) stop light.
- (5) On every pole trailer in excess of three thousand pounds (3,000 lbs.) gross weight:
  - (A) On each side, one (1) side marker lamp and one (1) clearance lamp, which may be in combination, to show to the front, side, and rear; and
  - (B) On the rear of the pole trailer or load, two (2) reflectors, one (1) at each side.
- (6) On every trailer, semitrailer, or pole trailer weighing three thousand pounds (3,000 lbs.) gross or less:
  - (A) On the rear, two (2) reflectors, one (1) on each side; and
  - (B) If any trailer or semitrailer is so loaded or is of dimensions as to obscure the stop light on the towing vehicle, then the vehicle shall also be equipped with one (1) stop light.
- (b) The clearance lamps, side marker lamps, backup lamps, and reflectors required in subsection (a) of this section shall display or reflect the following colors:
  - (1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color;
  - (2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color; and
  - (3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except:
    - (A) The stop light or other signal device, which may be red, amber, or yellow; and
    - (B) The light illuminating the license plate shall be white and the light emitted by a backup lamp shall be white or amber.
  - (c) Reflectors, clearance, and side marker lamps, when required by subsection (a) of this section, shall be mounted as follows:
    - (1)(A)(i) Reflectors, when required by subsection (a) of this section, shall be mounted at a height not less than twenty-four inches (24") and not higher than sixty inches (60") above the ground on which the vehicle stands.



(ii) If the highest part of the permanent structure of the vehicle is less than twenty-four inches (24"), the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

(B) The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

(C) Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but this reflector shall meet all the other reflector requirements of this subchapter.

(2)(A) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable.

(B) Clearance lamps and side marker lamps may be mounted in combination, provided illumination is given as required in this section with reference to both.

(d) Visibility requirements for reflectors, clearance lamps, and side marker lamps when required under subsection (a) of this section shall be as follows:

(1)(A) Every reflector upon any vehicle referred to in subsection (a) of this section shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet (600') to one hundred feet (100') from the vehicle when directly in front of lawful upper beams of head lamps.

(B) Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear;

(2) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required, at a distance of five hundred feet (500') from the front and rear, respectively, of the vehicle; and

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required, at a distance of five hundred feet (500') from the side of the vehicle on which mounted.

(e)(1) Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except tail lamps, need not be lighted when that lamp by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination.

(2) This subsection shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

**History.** Acts 1937, No. 300, § 107; Pope's Dig., §§ 6764-6767; Acts 1959, No. 307, § 44; A.S.A. 1947, § 75-705.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

## ANALYSIS

Clearance Lamps.  
Evidence of Negligence.

**Clearance Lamps.**

The requirement of clearance lights under Acts 1927, No. 223, § 48, was not limited to the width of the vehicle irrespective of the load carried where the truck was constructed so as to carry loads of varying widths. *Hobbs-Western Co. v.*

*Carmical*, 192 Ark. 59, 91 S.W.2d 605 (1936) (decision under prior law).

**Evidence of Negligence.**

Operation of truck loaded with cross ties 96 inches long across its bed and without clearance lights at the front or rear, though not negligence per se, was evidence of negligence to be considered by the jury. *Hobbs-Western Co. v. Carmical*, 192 Ark. 59, 91 S.W.2d 605 (1936) (decision under prior law).

**27-36-219. Lamps on farm tractors and equipment.**

(a)(1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be equipped with at least one (1) lamp displaying a white light visible when lighted from a distance of not less than five hundred feet (500') to the front of that vehicle.

(2) They shall also be equipped with at least one (1) lamp displaying a red light visible when lighted from a distance of not less than five hundred feet (500') to the rear of the vehicle.

(b) Every self-propelled unit of farm equipment not equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, in addition to the lamps required in subsection (a) of this section, be equipped with two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') to the rear when directly in front of lawful upper beams of head lamps.

(c) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be equipped with the following lamps:

(1) At least one (1) lamp mounted to indicate, as nearly as practicable, the extreme left projection of the combination and displaying a white light visible when lighted from a distance of not less than five hundred feet (500') to the front of the combination; and

(2) Two (2) lamps each displaying a red light visible when lighted from a distance of not less than five hundred feet (500') to the rear of the combination or, as an alternative, at least one (1) lamp displaying a red light visible when lighted from a distance of not less than five hundred feet (500') to the rear and two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') to the rear when illuminated by the upper beams of head lamps.

(d)(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in § 27-36-204, be equipped with two (2) single-beam or multiple-beam head lamps



meeting the requirements of § 27-36-210 or § 27-36-212 and at least one (1) red lamp visible when lighted from a distance of not less than five hundred feet (500') to the rear.

(2) Every self-propelled unit of farm equipment, other than a farm tractor, shall have two (2) red lamps or, as an alternative, one (1) red lamp and two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') when directly in front of lawful upper beams of head lamps.

(e) Every combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system shall at all times mentioned in § 27-36-204 be equipped with lamps as follows:

(1) The farm tractor element of every such combination shall be equipped as required in subsection (d) of this section;

(2) The towed unit of farm equipment or implement of husbandry element of the combination shall be equipped with two (2) red lamps visible when lighted from a distance of not less than five hundred feet (500') to the rear or, as an alternative, two (2) red reflectors visible from all distances within six hundred feet (600') to one hundred feet (100') to the rear when directly in front of lawful upper beams of head lamps; and

(3) These combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than five hundred feet (500') to the rear.

(f)(1) The lamps and reflectors required in this section shall be so positioned as to show from front and rear, as nearly as practicable, the extreme projection of the vehicle carrying them on the side of the roadway used in passing the vehicle.

(2) If a farm tractor, or a unit of farm equipment, whether self-propelled or towed, is equipped with two (2) or more lamps or reflectors visible from the front or two (2) or more lamps or reflectors visible from the rear, the lamps or reflectors shall be so positioned that the extreme projections both to the left and to the right of the vehicle shall be indicated as nearly as practicable.

(g)(1) Every vehicle, including animal-drawn vehicles and vehicles referred to in §§ 27-36-102 and 27-37-102 not specifically required by the provisions of this subchapter to be equipped with lamps or other lighting devices, shall, at all times specified in § 27-36-204, be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than five hundred feet (500') to the front of the vehicle.

(2) Those vehicles shall also be equipped with two (2) lamps displaying a red light visible from a distance of not less than five hundred feet (500') to the rear of the vehicle or, as an alternative, one (1) lamp displaying a red light visible from a distance of not less than five hundred feet (500') to the rear and two (2) red reflectors, visible for distances of one hundred feet (100') to six hundred feet (600') to the rear when illuminated by the upper beams of headlamps.



**History.** Acts 1937, No. 300, § 111; Pope's Dig., § 6771; Acts 1959, No. 307, § 45; A.S.A. 1947, § 75-709.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

### ANALYSIS

Duty to Lookout.

Instructions.

Jury Questions.

#### Duty to Lookout.

The failure to attach tail lights to a buggy did not relieve a motorist of the duty to keep a proper lookout. *Duckworth v. Stephens*, 182 Ark. 161, 30 S.W.2d 840 (1930) (decision under prior law).

#### Instructions.

It was proper for the court to instruct the jury as to defendant's duty under subsection (d) of this section where the undisputed evidence was that defendant was operating his farm tractor on the highway without headlights and that it was dark and misting rain, although plaintiff struck defendant's tractor from the rear. *Hooten v. De Jarnatt*, 237 Ark. 792, 376 S.W.2d 272 (1964).

Decedent died when his vehicle hit the

back of a farm tractor on a highway; this section required lighting on a farm tractor visible from the rear of that tractor. In a wrongful death action brought the decedent's administratrix, the circuit court abused its discretion in not allowing the jury to be instructed on whether this section was violated and whether, if so, that violation constituted some evidence of negligence. *McMickle v. Griffin*, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 240 (Apr. 5, 2007).

#### Jury Questions.

Whether plaintiff driving a wagon not equipped with tail light which was struck from rear by a bus was guilty of contributory negligence was held for the jury. *Missouri Pac. Transp. Co. v. Brown*, 193 Ark. 304, 99 S.W.2d 245 (1936) (decision under prior law).

**Cited:** *McMickle v. Griffin*, — Ark. —, — S.W.3d —, 2007 Ark. LEXIS 314 (May 17, 2007).

## 27-36-220. Lamps on bicycles.

(a) Every bicycle shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred feet (500') to the front and with a lamp on the rear exhibiting a red light visible from a distance of five hundred feet (500') to the rear.

(b) A red reflector meeting the requirements of § 27-36-215 may be used in lieu of a rear light.

**History.** Acts 1937, No. 300, § 110; Pope's Dig., § 6770; A.S.A. 1947, § 75-708.

## 27-36-221. Auxiliary driving lights.

It is unlawful to operate any motor vehicle on a public street or highway with any auxiliary driving lights on unless the lights are original equipment lighting installed by the vehicle manufacturer prior to the initial retail sale of the motor vehicle, fog lamps conforming to the provisions set forth in § 27-36-214(b), auxiliary driving or passing lamps conforming to the provisions set forth in § 27-36-214(c) and (d), or ornamental light-emitting diodes white lights conforming to the provisions set forth in § 27-36-214(e).

**History.** Acts 1997, No. 1146, § 1; enacted subsequently.  
2003, No. 1096, § 2.

**A.C.R.C. Notes.** References to “this subchapter” in §§ 27-36-201 — 27-36-220 may not apply to this section which was enacted subsequently. References to “this chapter” in subchapters 1 and 3 and §§ 27-36-201 — 27-36-220 may not apply to this section which was enacted subsequently.

### **27-36-222. Penalty for violation of § 27-36-221.**

Any person violating the provisions of § 27-36-221 shall be guilty of a violation and upon conviction shall be punished accordingly.

**History.** Acts 1997, No. 1146, § 2.

**A.C.R.C. Notes.** References to “this subchapter” in §§ 27-36-201 — 27-36-220 may not apply to this section which was enacted subsequently. References to “this chapter” in subchapters 1 and 3 and §§ 27-36-201 — 27-36-220 may not apply to this section which was enacted subsequently.

## **SUBCHAPTER 3 — LIGHTS FOR EMERGENCY VEHICLES**

### **SECTION.**

27-36-301. Violations.  
27-36-302. Exempted devices.  
27-36-303. Police vehicles.  
27-36-304. Fire department vehicles and ambulances.

### **SECTION.**

27-36-305. Other emergency vehicles.  
27-36-306. Other nonemergency vehicles  
— Funeral processions.

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**Effective Dates.** Acts 1969, No. 96,  
§ 9: July 1, 1969.

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### **27-36-301. Violations.**

(a)(1) It shall be unlawful for any person, firm, or corporation to exhibit a red or amber rotating or flashing light on any vehicle except as otherwise provided by the Arkansas Code or to activate a flashing, rotating, or oscillating purple light except during a funeral procession.

(2) If any person affixes or has affixed any red or amber light on any vehicle, this fact shall be prima facie proof that this person did exhibit the light.

(b) Except as otherwise provided by the Arkansas Code, it is unlawful for any person to install, activate, or operate a blue light in or on any vehicle in this state or to possess in or on any vehicle in this state a blue light that is not sealed in the manufacturer’s original package. As used in this section, “blue light” means an operable blue light which:

(1) Is designed for use by an emergency vehicle, or is similar in appearance to a blue light designed for use by an emergency vehicle; and

(2) Can be operated by use of the vehicle’s battery, the vehicle’s electrical system, or a dry cell battery.

(c)(1) A violation of subsection (b) of this section shall be a Class A misdemeanor.

(2) Violation of any other provision of this subchapter shall be considered a misdemeanor and shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100) for each offense.

**History.** Acts 1969, No. 96, §§ 4, 5, 7; A.S.A. 1947, §§ 75-738, 75-739, 75-741; Acts 1997, No. 497, § 1; 2001, No. 322, § 2.

**Cross References.** Criminal impersonation, § 5-37-208.  
Unlawful use of a blue light, § 5-77-201.

### RESEARCH REFERENCES

**U. Ark. Little Rock L.J.** Survey of Arkansas Law, Criminal Law, 1 U. Ark. Little Rock L.J. 153.

### 27-36-302. Exempted devices.

Devices that may be used by the state, city, or municipal governments as automobile traffic control devices are exempt from this subchapter.

**History.** Acts 1969, No. 96, § 6; A.S.A. 1947, § 75-740.

### 27-36-303. Police vehicles.

All state, county, or city and municipal police agencies shall install, maintain, and exhibit blue rotating or flashing emergency lights upon all police motor vehicles which are equipped with emergency lighting and operated within the State of Arkansas.

**History.** Acts 1969, No. 96, § 1; A.S.A. 1947, § 75-735.

### 27-36-304. Fire department vehicles and ambulances.

(a) All state, county, city, and municipal or privately owned fire departments, funeral homes, or ambulance companies shall install, maintain, and exhibit red rotating or flashing emergency lights upon all fire department vehicles, automobiles used by firefighters, and ambulances which are equipped with emergency lighting and operated within Arkansas. Firefighters shall be allowed to use portable dash-mounted red rotating or flashing emergency lights on their privately owned automobiles when responding to a fire or other emergency.

(b) Emergency medical technicians certified by the Department of Health may install, maintain, and exhibit red rotating or flashing emergency lights upon a vehicle when responding to an emergency.

**History.** Acts 1969, No. 96, § 2; A.S.A. 1947, § 75-736; Acts 1993, No. 1010, § 1; 1995, No. 123, § 1.



**27-36-305. Other emergency vehicles.**

(a) All state, county, and municipal agencies and private persons and businesses that operate any other type of vehicle in this state that is required or permitted to be equipped with flashing or rotating emergency or warning lights shall equip the vehicles with white or amber flashing or rotating emergency or warning lights only.

(b)(1) In addition to amber flashing or rotating emergency or warning lights, wreckers or tow vehicles permitted or licensed under § 27-50-1203 that respond to traffic incidents may, but are not required to, be equipped with red flashing or rotating emergency or warning lights in addition to amber warning lights.

(2) Red flashing or rotating emergency or warning lights on a wrecker or tow vehicle shall be operated only at times the wrecker or tow vehicle is stopped on or within ten feet (10') of a public way and engaged in recovery or loading and hooking up an abandoned, an unattended, a disabled, or a wrecked vehicle. A wrecker or tow vehicle shall not operate forward-facing red flashing or rotating emergency or warning lights while underway, except as may be expressly authorized by law otherwise.

**History.** Acts 1969, No. 96, § 3; A.S.A. 1947, § 75-737; Acts 2003, No. 762, § 1; 2007, No. 1412, § 2.

**Amendments.** The 2007 amendment added (b) and made a related change.

**27-36-306. Other nonemergency vehicles — Funeral processions.**

(a) Motor vehicles engaged in leading or escorting a funeral procession or any vehicle that is part of a funeral procession may be equipped with flashing, rotating, or oscillating purple lights, which shall not be activated except during a funeral procession.

(b) The purple flashing, rotating, or oscillating lights shall be a warning to other motorists of the approach of the funeral procession.

**History.** Acts 2001, No. 322, § 1.

been renumbered from § 27-36-307 to

**Publisher's Notes.** This section has § 27-36-306 to correct a numbering error.

**CHAPTER 37****EQUIPMENT REGULATIONS****SUBCHAPTER.**

1. GENERAL PROVISIONS.
2. SAFETY AND EMERGENCY EQUIPMENT.
3. GLASS AND MIRRORS.
4. TIRES.
5. BRAKES.
6. MUFFLERS.
7. MANDATORY SEAT BELT USE.
8. ERIC'S LAW: THE NITROUS OXIDE PROHIBITION ACT.

**A.C.R.C. Notes.** References to “this chapter” in subchapters 1-6 may not apply to §§ 27-37-103, 27-37-306, subchapter 7 or subchapter 8 which were enacted subsequently.

RESEARCH REFERENCES

**A.L.R.** Validity of roadblocks by state or local police for purpose of discovery of vehicular or driving violations. 37 A.L.R.4th 10.

**Am. Jur.** 7A Am. Jur. 2d, Auto., § 208 et seq.

**Ark. L. Rev.** Torts — Negligence — Failure to Use Safety Devices on Mechanical Apparatus, 15 Ark. L. Rev. 212.

**C.J.S.** 60 C.J.S., Motor Veh., §§ 38-40. 60A C.J.S., Motor Veh., § 530 et seq.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION. 27-37-101. Violations. 27-37-102. Exemptions from provisions.	SECTION. 27-37-103. Motor vehicle event data recorder — Data ownership.
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**Effective Dates.** Acts 1937, No. 300, § 165: Mar. 23, 1937. Emergency clause provided: “It is hereby ascertained and determined by the General Assembly that the proper regulation of traffic on the highways is a necessary function of the State Government, and that the loss of life and property under the present laws creates an emergency. Therefore, this act being necessary for the immediate preservation of the public peace, health and safety, shall go into effect immediately upon its passage and approval.”

27-37-101. Violations.

It is a misdemeanor for any person to drive, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle, or combination of vehicles, which is in such unsafe condition as to endanger any person, or which does not contain those parts, or is not at all times equipped with equipment in proper condition and adjustment as required in this chapter or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

**History.** Acts 1937, No. 300, § 103; Pope’s Dig., § 6760; A.S.A. 1947, § 75-701.

**Publisher’s Notes.** Acts 1937, No. 300, § 103, is also codified as § 27-36-101.

CASE NOTES

ANALYSIS	Instructions.
Instructions.	It is not error for a court to tell a jury in the language of this section that it is a misdemeanor for a person to drive a ve-
Unsafe Conditions.	

hicle in unsafe condition. *Bryant v. Thomas*, 230 Ark. 999, 328 S.W.2d 83 (1959).

It is not error for a court to tell a jury that a violation of this section is evidence of negligence. *Bryant v. Thomas*, 230 Ark. 999, 328 S.W.2d 83 (1959).

#### **Unsafe Conditions.**

The unsafe condition referred to in this section is not limited to a lack of equip-

ment such as brakes; it also includes the continued use of a vehicle whose engine the driver is aware has not been functioning properly. *Bryant v. Thomas*, 230 Ark. 999, 328 S.W.2d 83 (1959).

**Cited:** *United States v. Hollman*, 541 F.2d 196 (8th Cir. 1976).

### **27-37-102. Exemptions from provisions.**

The provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as made applicable by this chapter.

**History.** Acts 1937, No. 300, § 103; Pope's Dig., § 6760; A.S.A. 1947, § 75-701.

**Publisher's Notes.** Acts 1937, No. 300, § 103, is also codified as § 27-36-102.

### **CASE NOTES**

**Cited:** *United States v. Hollman*, 541 F.2d 196 (8th Cir. 1976).

### **27-37-103. Motor vehicle event data recorder — Data ownership.**

(a) As used in this section:

(1) "Authorized representative" means a person who is the attorney-in-fact for an owner or a person who has been appointed the administrator or personal representative of the estate of the owner;

(2) "Motor vehicle event data recorder" means a factory-installed feature in a motor vehicle that does one (1) or more of the following:

(A) Records, stores, transmits, or dispenses any of the following information for the purpose of retrieval after a crash:

- (i) Vehicle speed;
- (ii) Vehicle direction;
- (iii) Vehicle location;
- (iv) Steering performance; or
- (v) Seat belt restraint status;

(B) Has the capacity to transmit information concerning a crash in which the motor vehicle has been involved to a central communications system when a crash occurs; or

(C) Includes a sensing and diagnostic module, restraint control module, electronic throttle control, or other similar component; and

(3) "Owner" means a person or entity:

- (A) In whose name a motor vehicle is registered or titled;
- (B) Who leases a motor vehicle for at least three (3) months;
- (C) Who is entitled to possession of the motor vehicle as the purchaser under a security agreement; or
- (D) Who is the authorized representative of the owner.



(b) At the time of a new vehicle purchase by a consumer from a dealership, an owner of a motor vehicle shall be given written notice by the seller or manufacturer that includes the following:

(1) The presence of the motor vehicle event data recorder in the motor vehicle;

(2) The type of motor vehicle event data recorder in the motor vehicle; and

(3) The type of data that is recorded, stored, or transmitted on the motor vehicle event data recorder.

(c) Except as specifically provided under subsections (d) and (f)-(i) of this section, the data on a motor vehicle event data recorder:

(1) Is private;

(2) Is exclusively owned by the owner of the motor vehicle; and

(3) Shall not be retrieved or used by another person or entity.

(d)(1) If a motor vehicle is owned by one (1) owner, then the owner of a motor vehicle may provide written consent in the form of a release signed by the owner that authorizes a person or entity to retrieve or use the data.

(2) If a motor vehicle is owned by more than one (1) person or entity and if all owners agree to release the data, then all owners must consent in writing by signing a release to authorize a person or entity to retrieve or use the data.

(3) A release to a person or entity under this subsection shall be limited to permission for data collection and compilation only and shall not authorize the release of information that identifies the owner of the vehicle.

(e)(1)(A) If a motor vehicle is equipped with a motor vehicle event data recorder and is involved in an accident in Arkansas, the owner of the motor vehicle at the time that the data is created shall own and retain exclusive ownership rights to the data.

(B) The ownership of the data shall not pass to a lienholder or to an insurer because the lienholder or insurer succeeds in ownership to the vehicle as a result of the accident.

(2) The data shall not be used by a lienholder or an insurer for any reason without a written consent in the form of a release signed by the owner of the motor vehicle at the time of the accident that authorizes the lienholder or insurer to retrieve or use the data.

(3) A lienholder or insurer shall not make the owner's consent to the retrieval or use of the data conditioned upon the payment or settlement of an obligation or claim; however, the insured is required to comply with all policy provisions, including any provision that requires the insured to cooperate with the insurer.

(4) An insurer or lessor of a motor vehicle shall not require an owner to provide written permission for the access or retrieval of information from a motor vehicle event data recorder as a condition of the policy or lease.

(f) Except as specifically provided under subsections (d) and (g)-(i) of this section, the data from a motor vehicle event data recorder shall

only be produced without the consent of the owner at the time of the accident if:

(1) A court of competent jurisdiction in Arkansas orders the production of the data;

(2) A law enforcement officer obtains the data based on probable cause of an offense under the laws of the State of Arkansas; or

(3) A law enforcement officer, a firefighter, or an emergency medical services provider obtains the data in the course of responding to or investigating an emergency involving physical injury or the risk of physical injury to any person.

(g) The Arkansas State Highway and Transportation Department may retrieve data from a motor vehicle event data recorder if the data is used for the following purposes:

(1) Preclearing weigh stations;

(2) Automating driver records of duty status as authorized by the United States Department of Transportation;

(3) Replacing handwritten reports for any fuel tax reporting or other mileage reporting purpose; or

(4) Complying with a state or federal law.

(h) To protect the public health, welfare, and safety, the following exceptions shall be allowed regarding the retrieval of data from a motor vehicle event data recorder:

(1) To determine the need or to facilitate emergency medical care for the driver or passenger of a motor vehicle that is involved in a motor vehicle crash or other emergency, including obtaining data from a company that provides subscription services to the owners of motor vehicles for in-vehicle safety and security communications systems;

(2) To facilitate medical research of the human body's reaction to motor vehicle crashes if:

(A) The identity of the owner or driver is not disclosed in connection with the retrieved data; and

(B) The last four (4) digits of the vehicle identification number are not disclosed; or

(3) To diagnose, service, or repair a motor vehicle.

(i) Notwithstanding any other provision of this section, the use of data from a motor vehicle event data recorder shall not be permitted into evidence in a civil or criminal matter pending before a court in the State of Arkansas unless it is shown to be relevant and reliable pursuant to the Arkansas Rules of Evidence.

(j)(1) If a motor vehicle is equipped with a motor vehicle event data recorder that is capable of recording, storing, transmitting, or dispensing information as described in this section and that capability is part of a subscription service, then the information that may be recorded, stored, transmitted, or dispensed shall be disclosed in the subscription agreement.

(2) Subsections (c), (d), and (f)-(h) shall not apply to subscription services that meet the requirements of this subsection.

**History.** Acts 2005, No. 1419, § 1.

SUBCHAPTER 2 — SAFETY AND EMERGENCY EQUIPMENT

SECTION.	SECTION.
27-37-201. Sale of substandard seat belts prohibited.	27-37-204. Lamp or flag on projecting load.
27-37-202. Horns and warning devices — Flashing lights on emergency vehicles.	27-37-205. Certain vehicles to carry flares or other warning devices.
27-37-203. Vehicles transporting explosives.	27-37-206. Display of warning devices when vehicle disabled.

**Effective Dates.** Acts 1937, No. 300, § 165: Mar. 23, 1937. Emergency clause provided: “It is hereby ascertained and determined by the General Assembly that the proper regulation of traffic on the highway is a necessary function of the State Government, and that the loss of life and property under the present laws creates an emergency. Therefore, this act being necessary for the immediate preservation of the public peace, health and safety, shall go into effect immediately upon its passage and approval.”

Acts 1971, No. 80, § 2: Feb. 12, 1971. Emergency clause provided: “It is hereby found and determined by the General Assembly that the requirements as to what

flares and other warning devices certain vehicles must carry is too strict and places an undue and unwarranted burden upon the operators and owners of these vehicles; that modern emergency equipment used by such owners and operators is sufficient to notify passing motorists of any dangers existing; and that in order to remove these undue restrictions and to remedy this situation, it is necessary that this Act become effective immediately. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health and safety shall become effective from and after its passage and approval.”

27-37-201. Sale of substandard seat belts prohibited.

(a) It shall be unlawful for any person, firm, or corporation to sell, or offer for sale, any automobile seat belts which do not conform to the minimum standards prescribed for automobile seat belts by the Society of Automotive Engineers.

(b)(1) Any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250).

(2) Each sale or offer for sale in violation of this section shall constitute a separate offense.

**History.** Acts 1963, No. 115, §§ 1, 2; A.S.A. 1947, §§ 75-733, 75-734.

**Cross References.** Child passenger protection, § 27-34-101 et seq.



## RESEARCH REFERENCES

**Ark. L. Rev.** Seat Belts and Contributory Negligence — A New Defense? 22  
Ark. L. Rev. 189.

**27-37-202. Horns and warning devices — Flashing lights on emergency vehicles.**

(a)(1)(A) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200').

(B) No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.

(2) When reasonably necessary to ensure safe operation, the driver of a motor vehicle shall give audible warning with his or her horn but shall not otherwise use the horn when upon a public street or highway.

(b)(1) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section.

(2) It is permissible, but not required, that commercial vehicles may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(3)(A) Every authorized emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet (500') and of a type approved by the Arkansas State Highway and Transportation Department.

(B) The warning device shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law; in which event, the driver of the vehicle shall sound the warning device when necessary to warn pedestrians and other drivers of the approach thereof.

(c)(1) Every authorized emergency vehicle shall be equipped with signal lamps in addition to any other equipment and distinctive markings required by this subchapter. These lamps shall be mounted as high and be as widely spaced laterally as practicable. The vehicle shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level.

(2) These lights shall have sufficient intensity to be visible at five hundred feet (500') in normal sunlight.

(d) A police vehicle, when used as an authorized emergency vehicle, may, but need not, be equipped with alternately flashing red lights specified in this section.

(e) The use of the signal equipment described in this section shall impose upon drivers of other vehicles the obligation to yield right-of-way and to stop as prescribed in § 27-51-901.

**History.** Acts 1937, No. 300, § 125; Pope's Dig., § 6785; Acts 1959, No. 307, § 47; A.S.A. 1947, § 75-725; Acts 2003, No. 1155, § 1.

**Cross References.** Flashing and rotating warning and emergency lights, § 27-36-301 et seq.

Horns on motorcycles, motor scooters, and motor bicycles, § 27-20-104.

Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

### ANALYSIS

Construction.

Authorized Emergency Vehicles.

Duty to Sound Horn.

Instructions.

Pedestrians.

### Construction.

The requirements of subsections (b) and (c) of this section were insufficient as standards and guidelines to validate the delegation of authority in former subsection (d) of § 27-49-219 that permitted chiefs of police of cities to designate certain ambulances and other vehicles as emergency vehicles. *Walden v. Hart*, 243 Ark. 650, 420 S.W.2d 868 (1967).

### Authorized Emergency Vehicles.

A police motorcycle was not "authorized emergency vehicle" within the meaning of this section where the only signal being given by the police officer on the motorcycle was a blowing of the horn, regardless of fact that he was responding to another officer's call for assistance. *Whistle-Vess Bottling Co. v. Owens*, 249 Ark. 424, 459 S.W.2d 562 (1970).

### Duty to Sound Horn.

The requirement that an automobile be equipped with a horn implies that it should be sounded when a reasonably prudent person would do so to insure the safety of pedestrians, those within the automobile, or other persons or property rightfully using the highway. *Thomas v. Newman*, 262 Ark. 42, 553 S.W.2d 459 (1977).

### Instructions.

Refusal to give instruction setting out this section was not prejudicial error where appellants' own witnesses testified that the car was equipped with a proper horn and evidence was lacking to show that there was anything in the situation

apparent to the young driver to warn him of such impending danger as to require the sounding of his horn as he approached an intersection. *Carter v. Montgomery*, 226 Ark. 989, 296 S.W.2d 442 (1956).

It is not necessary to instruct in the language of this section when there is no evidence at all relative to the type of horn on the vehicle. *Ransom v. Weisharr*, 236 Ark. 898, 370 S.W.2d 598 (1963).

Where policeman was injured while operating a police motorcycle and brought an action to recover for personal injuries sustained, the submission to the jury of instructions with respect to law applicable to emergency vehicles, though the only signal being given was a blowing of a horn by the policeman, was prejudicial error, even though comparative negligence, on which the court also submitted an instruction, was the basis of the jury verdict in the policeman's favor. *Whistle-Vess Bottling Co. v. Owens*, 249 Ark. 424, 459 S.W.2d 562 (1970).

### Pedestrians.

Even though a pedestrian is required to yield the right-of-way when crossing a highway at a point other than a marked crosswalk, failure to do so does not relieve the driver of an approaching vehicle of the obligation to exercise ordinary care to avoid colliding with the pedestrian and to give warning by the sounding of a horn, when necessary. *Thomas v. Newman*, 262 Ark. 42, 553 S.W.2d 459 (1977).

The failure of a driver to sound his horn, or to take earlier diversionary action, or to sooner apply his brakes to avoid hitting a pedestrian are significant on the question of speed, control, and lookout. *Thomas v. Newman*, 262 Ark. 42, 553 S.W.2d 459 (1977).

**Cited:** *Gookin v. Locke*, 240 Ark. 1005, 405 S.W.2d 256 (1966); *Freeman v. Reeves*, 241 Ark. 867, 410 S.W.2d 740 (1967); *City of Little Rock v. Weber*, 298 Ark. 382, 767 S.W.2d 529 (1989).

**27-37-203. Vehicles transporting explosives.**

(a) Any person operating any vehicle transporting any explosive or other dangerous articles as cargo upon a highway shall at all times comply with the requirements of the regulations promulgated under this section.

(b) The State Highway Commission is authorized and directed to promulgate regulations governing the transportation of explosives and other dangerous articles in vehicles upon the highways as it deems advisable for the protection of the public.

**History.** Acts 1937, No. 300, § 132; Pope's Dig., § 6792; A.S.A. 1947, § 75-723; Acts 2003, No. 849, § 1.

**27-37-204. Lamp or flag on projecting load.**

(a) Whenever the load upon any vehicle extends to the rear four feet (4') or more beyond the bed or body of the vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in § 27-36-204, a red light or lantern plainly visible from a distance of at least five hundred feet (500') to the sides and rear.

(b) The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle.

(c) At any other time, there shall be displayed at the extreme rear end of the load a red or fluorescent orange flag or cloth not less than sixteen inches (16") square.

**History.** Acts 1937, No. 300, § 108; Pope's Dig., § 6768; A.S.A. 1947, § 75-706; Acts 2001, No. 1482, § 1.

**27-37-205. Certain vehicles to carry flares or other warning devices.**

(a) No person shall operate any motor truck, passenger bus, truck tractor, or any motor vehicle towing a house trailer upon any highway outside the corporate limits of municipalities at any time from one-half (½) hour after sunset to one-half (½) hour before sunrise unless there shall be carried in the vehicle the following equipment except as provided in subsection (b) of this section:

(1)(A) At least three (3) flares, three (3) red electric lanterns, or three (3) portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet (600') under normal atmospheric conditions at night-time.

(B)(i) No flare, fuse, electric lantern, or cloth warning flag shall be used for the purpose of compliance with the requirements of this subsection unless such equipment is of a type which has been submitted to the commissioner and approved by him or her.



(ii) No portable reflector unit shall be used for the purpose of compliance with the requirements of this subsection unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet (600') to one hundred feet (100') under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps and unless it is of a type which has been submitted to the commissioner and approved by him or her.

(2) At least three (3) red-burning fusees, unless red electric lanterns or red portable emergency reflectors are carried.

(3) At least two (2) red cloth flags, not less than twelve inches (12") square, with standards to support such flags.

(b)(1) At the time and under conditions stated in subsection (a) of this section, no person shall operate any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in the vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of subsection (a) of this section.

(2) There shall not be carried in any such vehicle any flares, fusees, or signals produced by flame.

**History.** Acts 1937, No. 300, § 131; Pope's Dig., § 6791; Acts 1959, No. 307, § 52; 1971, No. 80, § 1; A.S.A. 1947, § 75-722.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

### ANALYSIS

Motor Truck.  
Owner Loaning Vehicle.  
Person.

#### Motor Truck.

A three-fourth ton pick-up truck is a "motor truck" within the meaning of this section. *Taylor v. Purifoy*, 247 Ark. 368, 445 S.W.2d 485 (1969).

#### Owner Loaning Vehicle.

Owner who loaned truck during daylight hours did not violate this section prohibiting operation of truck without flares and warning signals after dark. *Taylor v. Purifoy*, 247 Ark. 368, 445 S.W.2d 485 (1969).

Where the owner of a pick-up truck loaned to another is not shown to have knowingly consented to operation in violation of this section, he is not held responsible for the violation. *Taylor v. Purifoy*, 247 Ark. 368, 445 S.W.2d 485 (1969).

#### Person.

Employer who caused a truck of which he had control to be set in motion and to be operated by his employee was a "person" within the meaning of the provisions of this section prohibiting a person from operating a motor truck without flares and warning signals. *Taylor v. Purifoy*, 247 Ark. 368, 445 S.W.2d 485 (1969).

**Cited:** *Billingsley v. Westrac Co.*, 365 F.2d 619 (8th Cir. 1966).

**27-37-206. Display of warning devices when vehicle disabled.**

(a) Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer, pole trailer, or any motor vehicle towing a house trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway, except as provided in subsection (b) of this section:

(1) A lighted fuse, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic; and

(2) As soon thereafter as possible, but in any event within the burning period of the fuse, which is fifteen (15) minutes, the driver shall place three (3) liquid-burning flares or pot torches, or three (3) lighted red electric lanterns, or three (3) portable red emergency reflectors on the traveled portion of the highway in the following order:

(A) One (1), approximately one hundred feet (100') from the disabled vehicle, in the center of the lane occupied by the vehicle and toward traffic approaching in that lane;

(B) One (1), approximately one hundred feet (100') in the opposite direction from the disabled vehicle, in the center of the traffic lane occupied by the vehicle; and

(C)(i) One (1) at the traffic side of the disabled vehicle, not less than ten feet (10') rearward or forward thereof, in the direction of the nearest approaching traffic.

(ii) If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (2)(A) of this subsection, it may be used for this purpose.

(b) Whenever any vehicle referred to in this section is disabled within five hundred feet (500') of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred feet (100') nor more than five hundred feet (500') from the disabled vehicle.

(c) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (a) and (e) of this section shall be placed as follows:

(1) One (1) at a distance of approximately two hundred feet (200') from the vehicle, in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane;

(2) One (1) at a distance of approximately one hundred feet (100') from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and

(3) One (1) at the traffic side of the vehicle and approximately ten feet (10') from the vehicle, in the direction of the nearest approaching traffic.

(d) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two (2) red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one (1) at a distance of approximately one hundred feet (100') in advance of the vehicle and one (1) at a distance of approximately one hundred (100') feet to the rear of the vehicle.

(e)(1) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (a) of this section, the driver of the vehicle shall immediately display the following warning devices:

(A) One (1) red electric lantern or portable red emergency reflector, placed on the roadway at the traffic side of the vehicle; and

(B) Two (2) red electric lanterns or portable red reflectors, one (1) placed approximately one hundred feet (100') to the front and one (1) placed approximately one hundred feet (100') to the rear of the disabled vehicle in the center of the traffic lane occupied by the vehicle.

(2) Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(f) The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of § 27-37-205.

**History.** Acts 1937, No. 300, § 131; Pope's Dig., § 6791; Acts 1959, No. 307, § 52; A.S.A. 1947, § 75-722. **Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

CASE NOTES

ANALYSIS

Directed Verdicts.  
Instructions.  
Motor Truck.  
Negligence.

Directed Verdicts.

Where evidence by plaintiff was to the effect that he failed to see flares placed by trucks of defendant parked along side of highway, as some of defendant's drivers

were sitting on highway so as to conceal the flares, the defendant was not entitled to a directed verdict, and trial court did not err in submitting case to the jury. *United Transports, Inc. v. Johnson*, 215 Ark. 411, 220 S.W.2d 814 (1949).

In action for personal injuries and property damage resulting from nighttime collision between plaintiff's automobile and defendant's disabled truck that had been left on traveled portion of highway by driver while he went for help, evidence



relating to flare behind truck was such that defendant was not entitled to directed verdict and that submission to jury of issues of negligence and contributory negligence was proper. *Dixie Culvert Mfg. Co. v. Richardson*, 218 Ark. 427, 236 S.W.2d 713 (1951).

#### Instructions.

A requested instruction by which it was proposed to tell the jury that if an employee of the State Highway and Transportation Department had placed flares in front of and behind the place where a truck was parked it was not incumbent upon the driver to place flares in the road and it would not be negligence for him to fail to do so should have been given, since the purpose of placing flares is to give warning and whether they are put out by the owner of the truck or by some one else is immaterial. *H. L. Wilson Lumber Co. v. Koen*, 202 Ark. 576, 151 S.W.2d 681 (1941).

#### Motor Truck.

A three-fourth ton pick-up truck is a "motor truck" within the meaning of this

section. *Taylor v. Purifoy*, 247 Ark. 368, 445 S.W.2d 485 (1969).

#### Negligence.

Any negligence of employee truck driver because of failure to place flares when his truck stopped on highway at night in such a position as to block traffic in both directions is imputable to his employer. *Wheaton Van Lines, Inc. v. Williams*, 240 Ark. 280, 399 S.W.2d 258 (1966).

Where truck driver failed to set out flares when his truck stopped on highway at night in such a position as to block traffic in both directions, the jury alone could decide the fact question as to whether the actions or inactions of the truck driver constituted negligence proximately causing injuries. *Wheaton Van Lines, Inc. v. Williams*, 240 Ark. 280, 399 S.W.2d 258 (1966).

**Cited:** *Billingsley v. Westrac Co.*, 365 F.2d 619 (8th Cir. 1966).

### SUBCHAPTER 3 — GLASS AND MIRRORS

#### SECTION.

27-37-301. Safety glass mandatory.

27-37-302. Windshields, etc., to be unobstructed.

27-37-303. Windshield wipers required.

27-37-304. Obstruction of interior prohibited.

#### SECTION.

27-37-305. Mirrors.

27-37-306. Light transmission levels for the tinting of motor vehicle windows.

**Effective Dates.** Acts 1937, No. 300, § 165: Mar. 23, 1937. Emergency clause provided: "It is hereby ascertained and determined by the General Assembly that the proper regulation of traffic on the highways is a necessary function of the State Government, and that the loss of life and property under the present laws creates an emergency. Therefore, this act being necessary for the immediate preservation of the public peace, health and safety, shall go into effect immediately upon its passage and approval."

Acts 1993, No. 967, § 6: Apr. 9, 1993. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the proper regulation of equipment on motor

vehicles is a proper and necessary function of state government, and the loss of life and property, and the protection of law enforcement officers enforcing our traffic laws creates an emergency. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 143, § 5: Feb. 13, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that the tinting of windshields of law enforcement vehicles should be permitted to the extent provided by this act; and that until this act goes into effect the prohibition of current law will be an un-

due restriction upon the law enforcement agencies of this state. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Gov-

ernor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

### **27-37-301. Safety glass mandatory.**

(a) No person shall sell any new motor vehicle nor shall any new motor vehicle be registered which is designed or used for the purpose of transporting passengers for compensation or as a school bus unless the vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

(b)(1) No person shall sell any new motor vehicle unless the vehicle is equipped with safety glass wherever glass is used in the doors, windows, and windshields.

(2) No person shall replace glass in any motor vehicle in the doors, windows, and windshields other than with safety glass.

(c) The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as to substantially prevent shattering and flying glass when struck or broken, or other similar products as may be approved by the State Highway Commission.

(d)(1) The commission shall compile and publish a list of types of glass by name approved by it as meeting the requirements of this section.

(2) The commission shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glass.

(3) The commission shall suspend the registration of any motor vehicle so subject to this section which it finds is not so equipped until it is made to conform to the requirements of this section.

**History.** Acts 1937, No. 300, § 130; Pope's Dig., § 6790; Acts 1951, No. 110, § 1; A.S.A. 1947, § 75-732.

### **27-37-302. Windshields, etc., to be unobstructed.**

No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, sidewings, side, or rear windows of the vehicle other than a certificate or other paper required to be so displayed by law if it obstructs the operator's view or the safe operation of the vehicle.

**History.** Acts 1937, No. 300, § 128; Pope's Dig., § 6788; A.S.A. 1947, § 75-730; Acts 1999, No. 1251, § 1.

## CASE NOTES

**Other Nontransparent Material.**

The words "other nontransparent material" used in this section do not include frost or moisture, but are intended to relate to stickers. *Wood v. Combs*, 237 Ark. 738, 375 S.W.2d 800 (1964).

**27-37-303. Windshield wipers required.**

(a) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield.

(b) This device shall be so constructed as to be controlled or operated by the driver of the vehicle.

**History.** Acts 1937, No. 300, § 128; Pope's Dig., § 6788; A.S.A. 1947, § 75-730.

**27-37-304. Obstruction of interior prohibited.**

(a)(1)(A) It is unlawful for any person to operate a motor vehicle which has any substance or material except rearview mirrors and decals required by law attached to the windshield at any point more than four and one-half inches (4½") above the bottom of the windshield if the substance or material obstructs the operator's view or the safe operation of the vehicle.

(B) It is unlawful for any person to operate a motor vehicle which has any substance or material attached to the window of either front door except substances or materials attached by the manufacturer if the substance or material obstructs the operator's view or the safe operation of the vehicle.

(2) The provisions of this section shall not apply to motorists driving motor vehicles registered in other states that have enacted legislation regulating the shading of windshields or windows of motor vehicles and who are driving on Arkansas roads and highways.

(b) Nothing in this section shall prohibit the shading or tinting of windows of newly manufactured automobiles so long as the newly manufactured automobiles comply with all federal laws pertaining thereto.

(c) Violation of this section shall constitute a Class C misdemeanor.

**History.** Acts 1983, No. 315, §§ 1-3; 1985, No. 1072, § 1; A.S.A. 1947, §§ 75-730.1 — 75-730.3; Acts 1999, No. 1251, § 2.

**Cross References.** Obstruction to driver's view, § 27-51-1401.

**27-37-305. Mirrors.**

(a) Every motor vehicle shall be equipped with a rearview mirror.

(b) Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror located so as to reflect to the driver a



view of the highway for a distance of at least two hundred feet (200') to the rear of the vehicle.

**History.** Acts 1937, No. 300, § 127; Pope's Dig., § 6787; A.S.A. 1947, § 75-729.

**27-37-306. Light transmission levels for the tinting of motor vehicle windows.**

(a) It shall be unlawful to operate a vehicle on the public highways if after-market tinting material, together with striping material, has been applied to any windows of the vehicle or if letters or logos larger than one-quarter inch ( $\frac{1}{4}$ ") have been applied to the windows of the vehicle.

(b) After-market tinting of vehicle windows shall be lawful only as follows:

(1) The glass immediately in front of the operator may have a strip of tinting material applied to the top edge, known in the industry as an "eyebrow", but it may not extend downward more than five inches (5") from the top center of the windshield;

(2) On all 1994 model vehicles and later model vehicles, the side windows and side wings located on the immediate right or left of the driver or to the right or left immediately behind the driver may be covered with an after-market tinting material which results in at least twenty-five percent (25%) net light transmission, except that the side windows immediately behind the driver on any truck, bus, trailer, motor home, or multiple purpose passenger vehicle may be covered with an after-market tinting material which results in at least ten percent (10%) net light transmission; and

(3) On all 1994 model vehicles and later model vehicles, the rearmost window may be covered with an after-market tinting material which results in at least ten percent (10%) net light transmission.

(c) Any vehicle that is operated on Arkansas roads with after-market tinting material on any glass shall have attached to the front glass immediately to the operator's left a label containing the name and phone number of the company installing the tinting material and affirming that all tinting on the vehicle conforms to the requirements of this section.

(d) The provisions of this section shall not apply to motorists operating vehicles registered in other states that have enacted legislation regulating the shading of windshields or windows of motor vehicles who are driving on Arkansas roads and highways.

(e)(1) A motorist shall be exempt from this section if the motorist is diagnosed by a physician as having a disease or disorder, including, but not limited to, albinism or lupus, for which the physician determines it is in the best interest of the motorist to be exempt from the requirements of this section. The motorist shall carry in his or her motor vehicle a physician's certification.

(2) The installation of tinted glass shall be exempt from this section if the tinted glass is installed in the motor vehicle of a person exempted under this subsection, as evidenced by a physician's certification.

(f) The provisions of this section shall not be applicable to vehicles or operators of vehicles used exclusively or primarily for the transportation of dead human bodies.

(g) Any installer of motor vehicle glass tinting material who installs any glass tinting in violation of this section or otherwise violates the provisions of this section or any person operating any motor vehicle with glass tinting or other after-market alteration of the glass in the vehicle which is contrary to the provisions of this section shall be guilty of a Class B misdemeanor.

(h) The provisions of this section shall also apply to:

(1) All 1993 and older model vehicles which have not had after-market tinting material applied in accordance with Acts 1991, No. 563 [repealed], or Acts 1991, No. 1043 [repealed]; and

(2) At such time as the ownership of the same are transferred, all older model vehicles which have had after-market tinting material applied in accordance with Acts 1991, No. 563 [repealed], or Acts 1991, No. 1043 [repealed].

(i) Notwithstanding any other provision of this section or any other law to the contrary, windshields of law enforcement vehicles may be tinted to the extent that the windshield permits at least fifty percent (50%) net light transmission.

**History.** Acts 1993, No. 967, §§ 1, 2; 1997, No. 143, § 1.

**A.C.R.C. Notes.** References to "this chapter" in subchapters 1-7 may not apply to this section which was enacted subsequently.

**Publisher's Notes.** Former § 27-37-

306, concerning tinted windows, as amended by Acts 1991, No. 563, § 1 and Acts 1991, No. 1043, § 1, was repealed by Acts 1993, No. 967, § 5. The former section was derived from Acts 1987, No. 450, §§ 1-5.

## SUBCHAPTER 4 — TIRES

### SECTION.

27-37-401. Only pneumatic rubber tires permitted — Exceptions — Special permits.

### SECTION.

27-37-402. Metal studded tires lawful during prescribed period.

**Cross References.** Width of tire regulated by city of the first class, § 14-57-103.

**Effective Dates.** Acts 1937, No. 300, § 165: Mar. 23, 1937. Emergency clause provided: "It is hereby ascertained and determined by the General Assembly that the proper regulation of traffic on the highways is a necessary function of the

State Government, and that the loss of life and property under the present laws creates an emergency. Therefore, this act being necessary for the immediate preservation of the public peace, health and safety, shall go into effect immediately upon its passage and approval."

**27-37-401. Only pneumatic rubber tires permitted — Exceptions — Special permits.**

(a)(1) The wheels of all motor vehicles, including trailers and semi-trailers, shall be equipped with pneumatic rubber tires.

(2) Nonpneumatic or solid rubber tire mountings shall not be permitted.

(b) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, spike, or any other protuberances of any material except rubber which projects beyond the tread of the traction surface of the tire, with the following exceptions:

(1) It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway;

(2) It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety; and

(3) It shall be permissible to use metal studded tires as prescribed in § 27-37-402.

(d) The State Highway Commission and local authorities, in their respective jurisdictions and at their discretion, may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this subchapter.

**History.** Acts 1937, No. 300, § 129; Pope's Dig., § 6789; Acts 1969, No. 95, § 1; A.S.A. 1947, § 75-731.

**27-37-402. Metal studded tires lawful during prescribed period.**

(a) It is lawful to use metal studded tires with studs protruding not more than one-sixteenth inch (1/16") from the surface of the rubber tread on motor vehicles operated on the public highways of this state during the period from November 15 of each year until April 15 of the following year.

(b) If the United States Congress shall enact legislation, or if any agency of the federal government shall adopt regulations prohibiting the use of metal studded tires on motor vehicles operated on the public highways, the provisions of this section authorizing the use of metal studded tires shall terminate. Thereafter, it shall be unlawful to use metal studded tires on vehicles operated on the public highways of this state at any time.

(c)(1) It is unlawful for any person to operate any motor vehicle equipped with metal studded tires upon the highways of this state at any time other than the period prescribed in subsection (a) of this section.



(2) Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

**History.** Acts 1977, No. 94, §§ 1-3;  
A.S.A. 1947, §§ 75-731.1 — 75-731.3.

## SUBCHAPTER 5 — BRAKES

### SECTION.

27-37-501. Equipment required.

27-37-502. Performance ability.

### SECTION.

27-37-503. [Repealed.]

**Cross References.** Brake fluid regulation, § 27-38-201 et seq.

Brakes on motorcycles, motor scooters, and motor bicycles, § 27-20-104.

**Effective Dates.** Acts 1937, No. 300, § 165; Mar. 23, 1937. Emergency clause provided: "It is hereby ascertained and determined by the General Assembly that the proper regulation of traffic on the highways is a necessary function of the State Government, and that the loss of life and property under the present laws creates an emergency. Therefore, this act being necessary for the immediate preservation of the public peace, health and safety, shall go into effect immediately upon its passage and approval."

Acts 1965, No. 566, § 4: Mar. 24, 1965. Emergency clause provided: "It is hereby found and determined by the General Assembly that the present laws governing and regulating safety devices such as brakes on motor vehicles are inadequate to properly protect the public interest and that immediate action is necessary to correct this situation and to preserve the public peace, health and safety on the highways of this State; therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

### 27-37-501. Equipment required.

(a)(1) Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway, shall be equipped with brakes adequate to control the movement of, and to stop and hold, the vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels.

(2) If these two (2) separate means of applying the brakes are connected in any way, they shall be constructed so that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

(b) Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one (1) brake, which may be operated by hand or foot.

(c)(1) Every trailer or semitrailer of a gross weight of three thousand pounds (3,000 lbs.) or more when operated upon a highway shall be equipped with brakes adequate to control the movement of, and to stop

and to hold, such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab.

(2) The brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle, the brakes shall be automatically applied.

(d)(1)(A) Every new motor vehicle, trailer, or semitrailer sold in the state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motorcycle or motor-driven cycle.

(B) Any semitrailer of less than one thousand five hundred pounds (1,500 lbs.) gross weight need not be equipped with brakes.

(2) Trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, except, when the vehicles are equipped with at least two (2) steerable axles, the wheels of one (1) axle need not be equipped with brakes.

(e)(1) Every singly driven motor vehicle and every combination of motor vehicles shall, at all times, be equipped with a parking brake or brakes adequate to hold the vehicle or combination on any grade on which it is operated, under any conditions of loading, on a surface free from ice or snow.

(2)(A) The parking brake or brakes shall, at all times, be capable of being applied in conformance with the requirements of subdivision (e)(1) of this section by either the driver's muscular effort, by spring action, or by other energy.

(B) If other energy is depended on for application of the parking brake, then an accumulation of such energy shall be isolated from any common source and used exclusively for the operation of the parking brake.

(3) The parking brake or brakes shall be so designed, constructed, and maintained that when once applied, they shall remain in the applied condition with the required effectiveness despite exhaustion of any source of energy or leakage of any kind and so that they cannot be released unless adequate energy is available upon release of such brake or brakes to make immediate further application with the required effectiveness.

(f) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(g) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

**History.** Acts 1937, No. 300, § 124; Pope's Dig., § 6784; Acts 1959, No. 307, § 51; 1965, No. 566, §§ 1, 2; A.S.A. 1947, § 75-724.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

## CASE NOTES

## ANALYSIS

In General.  
Hand Brake.  
Instructions.  
Negligence.

**In General.**

While this section does not require two separate braking systems, each capable of stopping the vehicle in substantially the same distance, it does require that the hand brake have stopping power. *Yarnell Ice Cream Co. v. Williamson*, 244 Ark. 893, 428 S.W.2d 86 (1968).

**Hand Brake.**

Hand brake required by this section not only must be capable of holding vehicle on grade but must have stopping power. *Houston v. Adams*, 239 Ark. 346, 389 S.W.2d 872 (1965).

**Instructions.**

An instruction as to the statutory duty to have an automobile equipped with proper brakes where there was no evidence that the car was not so equipped was abstract. *Arkansas Power & Light Co. v. Cummins*, 182 Ark. 1, 28 S.W.2d 1077 (1930) (decision under prior law).

The trial court erred when it refused to instruct the jury with regard to the stat-

ute where the defendant testified that he went through a stop sign, but that he had no alternative because his brakes did not work. *Vann v. Cook*, 70 Ark. App. 299, 17 S.W.3d 103 (2000).

**Negligence.**

Proof of violation of this section is evidence of negligence. *Brand v. Rorke*, 225 Ark. 309, 280 S.W.2d 906 (1955); *Beaty v. Buckeye Fabric Finishing Co.*, 179 F. Supp. 688 (E.D. Ark. 1959).

Where plaintiff's testimony in action against driver for personal injuries resulting from automobile wreck because of brake failure was to the effect that this section had been violated, question of negligence was for the jury. *Brand v. Rorke*, 225 Ark. 309, 280 S.W.2d 906 (1955).

Violation of the provisions of this section requiring adequate brakes is evidence of negligence, and jury may find negligence on part of a driver whose brakes fail suddenly. *Houston v. Adams*, 239 Ark. 346, 389 S.W.2d 872 (1965).

**Cited:** *Pitts v. Greene*, 238 Ark. 438, 382 S.W.2d 904 (1964); *Scott v. McClain*, 296 Ark. 527, 758 S.W.2d 409 (1988); *Southern Farm Bureau Cas. Ins. Co. v. Daggett*, 354 Ark. 112, 118 S.W.3d 525 (2003).

**27-37-502. Performance ability.**

(a) Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the service or foot brake, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated in this section for its classification;

(2) Decelerating in a stop from not more than twenty (20) miles per hour at not less than the feet-per-second tabulated in this section for its classification; and

(3) Stopping from a speed of twenty (20) miles per hour in not more than the distance tabulated in this section for its classification, the distance to be measured from the point at which movement of the service brake pedal or control begins.



1	2	3	4
Classification of vehicles and combinations	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second	Brake system application and braking per second
Passenger vehicles, not including buses	52.8%	17	25
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than ten thousand pounds (10,000 lbs.)	43.5%	14	30
Single-unit two-axle vehicles with a manufacturer's gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or more, and buses not having a manufacturer's gross vehicle weight rating	43.5%	14	40
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of ten thousand pounds (10,000 lbs.) or more	43.5%	14	50

(b) Tests for deceleration and stopping distance shall be made on a substantially level, which is not to exceed plus or minus one percent (1%) grade, and dry, smooth, hard surface that is free from loose material.

**History.** Acts 1937, No. 300, § 124; Pope's Dig., § 6784; Acts 1959, No. 307, § 51; 1965, No. 566, § 1; A.S.A. 1947, § 75-724.

**Cross References.** Penalty for violation of 1959 amendatory act, § 27-50-305.

CASE NOTES

ANALYSIS

Negligence.  
Proximate Cause.  
Stopping Power.

**Negligence.**

Proof of violation of this section is evidence of negligence. *Brand v. Rorke*, 225 Ark. 309, 280 S.W.2d 906 (1955).

A violation of this section constitutes

evidence of negligence. *Beaty v. Buckeye Fabric Finishing Co.*, 179 F. Supp. 688 (E.D. Ark. 1959).

Where plaintiff's testimony in action against driver for personal injuries resulting from automobile wreck because of brake failure was to the effect that this section had been violated, question of negligence was for the jury. *Brand v. Rorke*, 225 Ark. 309, 280 S.W.2d 906 (1955).

Violation of the provisions of this sec-

tion requiring adequate brakes is evidence of negligence, and jury may find negligence on part of a driver whose brakes fail suddenly. *Houston v. Adams*, 239 Ark. 346, 389 S.W.2d 872 (1965).

**Proximate Cause.**

The absence of adequate brakes was held to be the proximate cause of a collision where the driver first became aware of the presence of a train when 50 feet from the crossing while traveling at 15 miles per hour. *Missouri P. R. Co. v. Moore*, 199 Ark. 1035, 138 S.W.2d 384, cert. denied, 311 U.S. 646, 61 S. Ct. 19, 85 L. Ed. 2d 412 (1940).

**Stopping Power.**

Where a truck knocked a stopped car 119 feet and stopped 180 feet beyond the point of collision although the driver applied the hand brake, the indication was that either the truck was traveling at a much greater speed than 25 miles per hour or the hand brake had practically no stopping power. *Yarnell Ice Cream Co. v. Williamson*, 244 Ark. 893, 428 S.W.2d 86 (1968).

**Cited:** *Pitts v. Greene*, 238 Ark. 438, 382 S.W.2d 904 (1964).

**27-37-503. [Repealed.]**

**Publisher's Notes.** This section, concerning the exemption of certain trailers from requirements, was repealed by Acts

1991, No. 32, § 1. The section was derived from Acts 1971, No. 141, § 1; A.S.A. 1947, § 75-724.1.

**SUBCHAPTER 6 — MUFFLERS**

SECTION.

27-37-601. Noise or smoke producing devices prohibited.

SECTION.

27-37-602. Cutouts prohibited.

**Cross References.** Mufflers required on motorcycles, motor scooters and motor bicycles, § 27-20-104.

**Effective Dates.** Acts 1927, No. 185, § 3: effective 90 days after passage. Approved Mar. 23, 1927.

Acts 1937, No. 300, § 165: Mar. 23, 1937. Emergency clause provided: "It is hereby ascertained and determined by the General Assembly that the proper regula-

tion of traffic on the highways is a necessary function of the State Government, and that the loss of life and property under the present laws creates an emergency. Therefore, this act being necessary for the immediate preservation of the public peace, health and safety, shall go into effect immediately upon its passage and approval."

**27-37-601. Noise or smoke producing devices prohibited.**

(a) Every motor vehicle shall, at all times, be equipped with a factory-installed muffler or one duplicating factory specifications, in good working order and in constant operation, to prevent excessive or unusual noise and annoying smoke.

(b) No person shall use on a motor vehicle upon the public roads, highways, streets, or alleys of this state, nor shall any person sell for use on a motor vehicle upon the public roads, highways, streets, or alleys of this state, a muffler, other than as defined in subsection (a) of

this section, cutout, bypass, similar device, or any type device which produces excessive or unusual noise or smoke.

**History.** Acts 1937, No. 300, § 126; Pope's Dig., § 6786; Acts 1959, No. 219, § 1; A.S.A. 1947, § 75-726.

**27-37-602. Cutouts prohibited.**

(a) The sale or use of cutouts on any motor-driven vehicle while on the public roads, highways, streets, and alleys of Arkansas is prohibited.

(b) Any person found guilty in any court of Arkansas of violating this section, in whole or in part, shall be deemed guilty of a misdemeanor and subject to a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500).

**History.** Acts 1927, No. 185, §§ 1, 2; Pope's Dig., §§ 3526, 3527; A.S.A. 1947, §§ 75-727, 75-728.

**SUBCHAPTER 7 — MANDATORY SEAT BELT USE**

SECTION.

- 27-37-701. Definitions.
- 27-37-702. Seat belt use required — Applicability of subchapter.
- 27-37-703. Effect of noncompliance.

SECTION.

- 27-37-704. Inspection for compliance.
- 27-37-705. Reduction of fine.
- 27-37-706. Penalties — Court costs.
- 27-37-707. Traffic violation report.

**A.C.R.C. Notes.** Acts 1991, No. 562, § 9, provided: "This act is supplemental and cumulative to the Child Passenger Protection Act."

References to "this chapter" in subchapters 1-6 may not apply to this subchapter which was enacted subsequently.

**Effective Dates.** Acts 2003, No. 1776, § 4: Apr. 22, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that present law is unclear as to whether seatbelts and safety restraint systems must be properly secured to vehicles; that this law cures that ambiguity;

and until this act goes into effect, the safety of children and disabled people riding in motor vehicles may be compromised. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

**27-37-701. Definitions.**

As used in this subchapter:



(1) "Motor vehicle" means any motor vehicle, except a school bus, church bus, and other public conveyance, which is required by federal law or regulation to be equipped with a passenger restraint system; and

(2) "Seat belt" means any passenger restraint system as defined by the Department of Arkansas State Police, except that, until such time as the Arkansas State Police has promulgated regulations defining "seat belt", the term means any passenger restraint system which meets the federal requirements contained in 49 C.F.R. § 571.208.

**History.** Acts 1991, No. 562, § 1.

**A.C.R.C. Notes.** Acts 1991, No. 562, § 6, provided that the Director of the Department of Arkansas State Police

shall promulgate regulations defining "seat belt" as soon as possible after July 15, 1991.

### **27-37-702. Seat belt use required — Applicability of subchapter.**

(a) Each driver and front seat passenger in any motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened seat belt properly secured to the vehicle.

(b) This subchapter shall not apply to the following:

(1) Passenger automobiles manufactured before July 1, 1968, and all other motor vehicles manufactured before January 1, 1972;

(2) Passengers and drivers with a physical disability that contraindicates the use of a seat belt, and which condition is certified by a physician who states the nature of the disability as well as the reason the use of a seat belt is inappropriate;

(3) Children who require protection and are properly restrained under The Child Passenger Protection Act, § 27-34-101 et seq.; and

(4) Drivers who are rural letter carriers of the United States Postal Service while performing their duties as rural letter carriers.

(c) Except as provided in subdivision (b)(4), each driver or passenger who is seated in a wheelchair in a motor vehicle shall:

(1) Wear a properly adjusted and fastened seat belt properly secured to the wheelchair; and

(2) Have the wheelchair properly secured in the motor vehicle.

**History.** Acts 1991, No. 562, §§ 2, 3; 1997, No. 208, § 34; 2003, No. 764, § 1; 2003, No. 1776, § 1.

**A.C.R.C. Notes.** Acts 1997, No. 208, § 1, codified as § 22-4-408, provided: "Legislative intent and purpose. The General Assembly hereby acknowledges that many of the laws relating to individuals with disabilities are antiquated, function-

ally outmoded, derogatory, ambiguous or are inconsistent with more recently enacted provisions of the law. Consequently, it is the intent of the General Assembly and the purpose of this act to clarify the relevant chapters of Titles 1, 6, 9, 13, 14, 16, 17, 20, 22, 23, and 27 of the Arkansas Code Annotated of 1987."

### **RESEARCH REFERENCES**

U. Ark. Little Rock L. Rev. Survey of Legislation, 2003 Arkansas General As-

sembly, Transportation, Seat Belt Law, 26 U. Ark. Little Rock L. Rev. 504.

27-37-703. Effect of noncompliance.

(a)(1) The failure of an occupant to wear a properly adjusted and fastened seat belt shall not be admissible into evidence in a civil action.

(2) Provided, that evidence of such failure may be admitted in a civil action as to the causal relationship between noncompliance and the injuries alleged, if the following conditions have been satisfied:

(A) The plaintiff has filed a products liability claim other than a claim related to an alleged failure of a seat belt;

(B) The defendant alleging noncompliance with this subchapter shall raise this defense in its answer or timely amendment thereto in accordance with the rules of civil procedure; and

(C) Each defendant seeking to offer evidence alleging noncompliance has the burden of proving:

(i) Noncompliance;

(ii) That compliance would have reduced injuries; and

(iii) The extent of the reduction of such injuries.

(b)(1) Upon request of any party, the trial judge shall hold a hearing out of the presence of the jury as to the admissibility of such evidence in accordance with the provisions of this section and the rules of evidence.

(2) The finding of the trial judge shall not constitute a finding of fact, and the finding shall be limited to the issue of admissibility of such evidence.

**History.** Acts 1991, No. 562, § 5; 1993, No. 1086, § 1; 1995, No. 1118, § 1.

RESEARCH REFERENCES

U. Ark. Little Rock L.J. Legislative Survey, Evidence, 16 U. Ark. Little Rock L.J. 127.

CASE NOTES

ANALYSIS

- Admissibility.
- Improper.
- Comparative Negligence.
- Evidence.
- Admissibility.
- Improper.
- Sufficient.

Admissibility.

—Improper.

Amendment to an answer was properly stricken where it alleged the failure of an injured party to wear a seat belt since any evidence of such failure was inadmissible in a civil proceeding under subdivision

(a)(1) of this section. *Allen v. Greenland*, 347 Ark. 465, 65 S.W.3d 424 (2002).

Comparative Negligence.

Because § 16-64-122 defines comparative fault in terms of that which proximately causes damages, plaintiffs' failure to wear their seat belts was a failure to exercise ordinary care, and such failure is not considered "fault" for purposes of comparative fault, unless it was a proximate cause of plaintiffs' damages, in accidents occurring prior to the passage of this section. Plaintiffs' nonuse of their seat belts may be admissible as evidence of their comparative fault if such nonuse is a proximate cause of plaintiffs' injuries,

which the defendant has the burden of proving. *Baker v. Morrison*, 309 Ark. 457, 829 S.W.2d 421 (1992).

### **Evidence.**

#### **—Admissibility.**

The issue regarding the admissibility of seat-belt evidence in relation to plaintiff's strict-liability crashworthiness claim was not decided because plaintiff failed to prove that she was prejudiced by the admission of the seat-belt evidence. *Lovett ex rel. Lovett v. Union Pac. R.R.*, 201 F.3d 1074 (8th Cir. 2000).

#### **—Improper.**

In an action arising from a motor vehicle accident, the trial court erred when it permitted the introduction of evidence of inconsistent statements by the plaintiff regarding his use of a seatbelt, notwithstanding the court's instruction to the jury that such evidence was to be considered only in regard to the credibility of the plaintiff, since such an instruction could not cure the highly prejudicial effect of the introduction of seatbelt-nonuse evidence.

*Grummer v. Cummings*, 336 Ark. 447, 986 S.W.2d 91 (1999).

Although this section as it existed at the time of the accident clearly prohibited evidence of seat belt non-use for plaintiff's negligence claim, both the statute and Arkansas case law at the time were silent on whether such evidence also was barred in strict-liability cases. *Lovett ex rel. Lovett v. Union Pac. R.R.*, 201 F.3d 1074 (8th Cir. 2000).

#### **—Sufficient.**

Reports of the doctor that stated that plaintiff suffered from a 20 percent impairment and that the impairment was caused when the seat belt failed and he jammed his thighs up under the steering wheel, as well as other trial evidence, including the pictures of the wrecked truck and plaintiff's testimony concerning what happened during the accident, were sufficient for the jury to determine the extent to which the alleged absence of a functioning seat belt enhanced plaintiff's injuries. *Newton v. Ryder Transp. Servs.*, 206 F.3d 772 (8th Cir. 2000).

**Cited:** *State v. Havens*, 337 Ark. 161, 987 S.W.2d 686 (1999).

## **27-37-704. Inspection for compliance.**

No motor vehicle, nor the operator of such vehicle, nor the passengers of such vehicle shall be stopped, inspected, or detained solely to determine compliance with this subchapter.

**History.** Acts 1991, No. 562, § 4.

## **27-37-705. Reduction of fine.**

When any motor vehicle operator is stopped by a law enforcement officer and the law enforcement officer notes that the provisions of this subchapter have not been violated, any fine levied for a moving traffic violation against the motor vehicle operator as a result of being stopped shall be reduced by ten dollars (\$10.00) as an incentive to comply with this subchapter.

**History.** Acts 1991, No. 562, § 8; 1995, No. 1118, § 2; 2003, No. 1765, § 36.

## **27-37-706. Penalties — Court costs.**

(a) Any person who violates this subchapter shall be subject to a fine not to exceed twenty-five dollars (\$25.00).



(b) When a person is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for violation of this subchapter, no court costs pursuant to § 16-10-305 or other costs or fees shall be assessed.

**History.** Acts 1991, No. 562, § 7; 2005, No. 1934, § 23. **Amendments.** The 2005 amendment inserted “pursuant to § 16-10-305” in (b).

**27-37-707. Traffic violation report.**

The Office of Driver Services shall not include in the traffic violation report of any person any conviction arising out of a violation of this subchapter.

**History.** Acts 1995, No. 1118, § 3.

**SUBCHAPTER 8 — ERIC’S LAW: THE NITROUS OXIDE PROHIBITION ACT**

SECTION.	SECTION.
27-37-801. Title.	27-37-803. Use prohibited.
27-37-802. Definitions.	

**A.C.R.C. Notes.** References to “this chapter” in subchapters 1-6 may not apply to this subchapter which was enacted subsequently.

**27-37-801. Title.**

This subchapter shall be known and may be cited as “Eric’s Law: The Nitrous Oxide Prohibition Act”.

**History.** Acts 2005, No. 1568, § 1.

**27-37-802. Definitions.**

As used in this subchapter:

(1)(A) “Motorcycle” means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground.

(B) “Motorcycle” does not include a tractor;

(2) “Nitrous oxide” means a gas or liquid form of nitrous oxide that is used to increase the speed or performance of a motor vehicle or motorcycle; and

(3) “Street or highway” means the entire width between property lines of every way or place of whatever nature when any part of the street or highway is open to the use of the public as a matter of right for purposes of vehicular traffic.

**History.** Acts 2005, No. 1568, § 1.

**27-37-803. Use prohibited.**

(a)(1) Except as provided under subdivision (a)(2) of this section, a person shall not operate a motor vehicle or motorcycle that is equipped to supply the engine with nitrous oxide on a street or highway.

(2) This section shall not prohibit:

(A) A person from operating a motor vehicle or motorcycle that is equipped to supply the engine with nitrous oxide if the system supplying nitrous oxide is made inoperative by:

- (i) Disconnecting the line feeding nitrous oxide to the engine; or
- (ii) Removing the container or containers of nitrous oxide from the motor vehicle or motorcycle; or

(B) A person from operating a tow vehicle or a recreational vehicle that is equipped to supply the engine with nitrous oxide.

(b) A person who violates the provisions of this section is guilty of a Class C misdemeanor.

**History.** Acts 2005, No. 1568, § 1.

**CHAPTER 38**  
**AUTOMOTIVE FLUIDS REGULATION**

**SUBCHAPTER.**

- 1. ANTIFREEZE.
- 2. BRAKE FLUID.

**SUBCHAPTER 1 — ANTIFREEZE**

**SECTION.**

- 27-38-101. Definitions.
- 27-38-102. Penalty.
- 27-38-103. Certain sales exempted.
- 27-38-104. Regulation of disposition —  
Markings required.

**SECTION.**

- 27-38-105. Record of deliveries — Excep-  
tion.

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**Cross References.** Brakes generally, § 27-37-501 et seq.

**Effective Dates.** Acts 1931, No. 165, § 6: Mar. 25, 1931. Emergency clause provided: "Whereas the manufacture of the compound, the sale of which is herein

regulated, is about to begin in this State, and whereas it is immediately necessary that the public be informed of its nature, an emergency is hereby declared and this act shall be in full force and effect from and after its passage and approval."

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**27-38-101. Definitions.**

As used in this subchapter:

(1) "Methanol" means the products commonly known as methanol and methyl alcohol, wood alcohol, wood naphtha, methyl hydroxide, and methyl hydrate; and

(2) "Person" means natural persons, partnerships, associations, and corporations.

**History.** Acts 1931, No. 165, § 4; Pope's Dig., § 3456; A.S.A. 1947, § 75-1304.

### **27-38-102. Penalty.**

Any person violating any of the provisions of this subchapter shall be guilty of a misdemeanor and upon conviction shall be fined any sum not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200).

**History.** Acts 1931, No. 165, § 5; Pope's Dig., § 3457; A.S.A. 1947, § 75-1305.

### **27-38-103. Certain sales exempted.**

Nothing contained in this subchapter shall be construed to apply to sales of methanol by or to pharmacists or to sales by the manufacturer or dealer of methanol directly to other manufacturers for manufacturing purposes.

**History.** Acts 1931, No. 165, § 3; Pope's Dig., § 3455; A.S.A. 1947, § 75-1303.

### **27-38-104. Regulation of disposition — Markings required.**

It shall be unlawful for any person to sell, offer for sale, give away, or transfer to another person any article commonly known as antifreeze containing in excess of ten percent (10%) methanol, unless the following provisions are complied with:

(1) It shall be distinctively colored, so that by its appearance it cannot be confused with potable alcohol;

(2) It shall contain an emetic or such warning substance or substances as the United States Public Health Service may recommend; and

(3) All containers of quantities less than tank car lots shall be plainly marked on the outside with a stencil or label securely attached, which bears the word "METHANOL" in red ink in letters at least one-half inch ( $\frac{1}{2}$ ") in height, and below or adjacent to the word "METHANOL" shall also be in red ink the skull and crossbones symbol and the words "Poison, methanol is a violent poison, it cannot be made nonpoisonous. If taken internally may cause blindness and death."

**History.** Acts 1931, No. 165, § 1; Pope's Dig., § 3453; A.S.A. 1947, § 75-1301.



**27-38-105. Record of deliveries — Exception.**

(a) It shall be unlawful for any person conducting a store, garage, filling station, or other place selling antifreeze mixtures or compounds at retail, or any of the employees of such persons, to sell, offer for sale, give away, or transfer to another person any antifreeze mixture or compound containing in excess of ten percent (10%) methanol or any ethyl alcohol, in quantities less than fifty gallon (50 gal.) drum lots, unless before delivery is made there is recorded in a book kept for that purpose:

- (1) Date of sale;
- (2) Name and address of person to whom sold;
- (3) Article and quantity delivered;
- (4) Purpose for which it is to be used; and
- (5) Name of person making sale.

(b) The record is to be kept for inspection by the State Board of Health and its duly authorized representatives for a period of three (3) years from the date of the last record made of a sale.

(c)(1) No record shall be necessary when the antifreeze mixture or compound shall be placed in an automobile radiator by the vendor at the time and place of sale and when it is apparent that the mixture or compound is intended for antifreeze purposes.

(2) An automobile radiator shall not be construed to mean a container under the provisions of this subchapter.

**History.** Acts 1931, No. 165, § 2; Pope's Dig., § 3454; A.S.A. 1947, § 75-1302.

**SUBCHAPTER 2 — BRAKE FLUID**

SECTION.

27-38-201. Violations.

27-38-202. Conformity to specifications required.

SECTION.

27-38-203. Establishment of specifications.

27-38-204. Label requirements.

**27-38-201. Violations.**

Any person who shall sell, offer for sale, or have in his or her possession for sale any hydraulic brake fluid which does not meet the specifications prescribed by the Director of the Department of Finance and Administration for hydraulic brake fluid shall be guilty of a misdemeanor.

**History.** Acts 1957, No. 116, § 3; A.S.A. 1947, § 75-1308.

**27-38-202. Conformity to specifications required.**

No person shall sell, offer for sale, or have in his or her possession for sale for use in motor vehicle brake systems in this state any hydraulic brake fluid unless it meets the specifications prescribed by the Director

of the Department of Finance and Administration for hydraulic brake fluid.

**History.** Acts 1957, No. 116, § 1; A.S.A. 1947, § 75-1306.

### **27-38-203. Establishment of specifications.**

(a)(1) The Director of the Department of Finance and Administration, after public hearing following due notice, shall promulgate such specifications for hydraulic brake fluid sold in this state as will promote the public safety in the operation of motor vehicles.

(2) The director is authorized and directed to adopt the specifications of the Society of Automotive Engineers for heavy duty brake fluids and to amend such specifications, from time to time, as may be necessary, after public hearing.

(b)(1) The director shall give notice of the minimum standards of hydraulic brake fluid adopted by him or her by inserting the notice in some newspaper of general circulation in this state.

(2) The notice shall state that specifications for hydraulic brake fluid have been established, that a copy of the specifications may be obtained by any interested person at the office of the director upon request, and that the sale of any brake fluid in this state in violation of the standards shall be unlawful.

(c) From time to time as the director may amend or change the minimum specifications for hydraulic brake fluid as those specifications may be changed by the Society of Automotive Engineers, the director shall give notice of the change in the manner provided in this section at least thirty (30) days in advance of the effective date for the revised specifications.

**History.** Acts 1957, No. 116, § 2; A.S.A. 1947, § 75-1307.

### **27-38-204. Label requirements.**

For the enforcement of this subchapter, the Director of the Department of Finance and Administration shall require that the label of each retail container in which brake fluid is sold in this state bears the name and address of the manufacturer, packer, seller, or distributor; the words "BRAKE FLUID"; and the duty type classification to show that the brake fluid meets the specifications established by the director.

**History.** Acts 1957, No. 116, § 2; A.S.A. 1947, § 75-1307.

## **CHAPTERS 39-48**

[Reserved]





# Index to Title 27 (1-48)

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## A

### **ACTIONS.**

#### **Motor vehicles.**

- Child passenger safety seat system.
- Noncompliance not evidence of negligence and not admissible at trial, §27-34-106.

### **ADMINISTRATIVE PROCEDURE.**

#### **Hazardous substances.**

- Transportation of hazardous materials.
- Conformity with act, §27-2-108.

### **ADMINISTRATIVE SUSPENSION OR REVOCATION OF DRIVER'S LICENSE.**

#### **Motor vehicle insurance.**

- Cancellation or refusal to renew policy, §27-22-106.

### **AFFIDAVITS.**

#### **License plates.**

- Special interest license plates, §§27-24-1402, 27-24-1404.

#### **Motor vehicles.**

- Historic or special interest vehicles.
- Submission of affidavit that vehicle is restored to original specifications, §27-15-2203.
- Temporary registration exemption, §27-14-2402.

#### **Special interest license plates,** §27-24-1402.

### **AGE.**

#### **Motor vehicles.**

- Drivers' licenses.
- Minimum age, §27-16-604.
- Instruction permits, §27-16-802.

### **AGRICULTURE.**

#### **Agricultural education.**

- Special license plates, §§27-24-1101 to 27-24-1108.

#### **Hazardous substances.**

- Transportation of hazardous materials.
- Farm vehicles.
- Exceptions to prohibited acts, §27-2-103.

#### **Special license plates.**

- Agricultural education, §§27-24-1101 to 27-24-1108.

### **ALCOHOL AND DRUG ABUSE.**

#### **Commercial drivers.**

- Drug and alcohol testing, §§27-23-201 to 27-23-211.

### **ALL-TERRAIN VEHICLES.**

#### **Certificate of title,** §27-20-205.

#### **Construction of chapter,** §27-21-103.

#### **Defenses to prosecution,** §27-21-109.

#### **Definitions,** §27-21-102.

#### **Enforcement of chapter,** §27-21-105.

#### **Equipment,** §27-21-108.

#### **Manner of operation,** §27-21-107.

#### **Minors, operation by,** §27-21-107.

#### **Operation on public highways prohibited,** §27-21-106.

#### **Purpose of chapter,** §27-21-101.

#### **Registration.**

- Equipment or inspection as precondition, §27-20-203.
- Fees, §27-20-202.
- License decal, §27-20-206.
- No renewal required, §27-20-207.
- Penalty for failure to register, §27-20-201.
- Proof of ownership, §27-20-202.
- Required, §27-20-202.
- Rules and regulations, §27-20-208.
- Taxes to be paid, §27-20-204.

#### **Violation of chapter,** §27-21-104.

### **ALPHA KAPPA ALPHA.**

#### **Fraternities and sororities.**

- Special license plates, §§27-24-1201 to 27-24-1209.

### **ALPHA PHI ALPHA.**

#### **Fraternities and sororities.**

- Special license plates, §§27-24-1201 to 27-24-1209.

### **AMATEUR RADIO OPERATORS.**

#### **Special license plates,** §§27-15-2401 to 27-15-2405.

#### **Application,** §27-15-2402.

#### **Fees,** §27-15-2401.

#### **Issuance,** §27-15-2401.

#### **List of names, addresses and amateur station call signs.**

- Furnishing to county sheriffs, §27-15-2405.

#### **Rulemaking authority,** §27-15-2404.

#### **Transferability,** §27-15-2403.

**AMBULANCES.****Lights.**

Amber flashing or rotating lights,  
§27-36-305.

Flashing lights, §§27-36-305,  
27-37-202.

**Motor vehicles.**

Registration fee, §27-14-601.

**Registration fee,** §27-14-601.

**ANATOMICAL GIFTS.**

**Organ donor awareness license  
plates,** §§27-24-1401 to 27-24-1408.

**ANTIFREEZE,** §§27-38-101 to  
27-38-105.

**Color,** §27-38-104.

**Containers,** §27-38-104.

**Definitions,** §27-38-101.

**Exemptions from act,** §27-38-103.

**Penalties,** §27-38-102.

**Records of sales,** §27-38-105.

**Requirements,** §27-38-104.

**ANTIQUE MOTORCYCLES,**  
§§27-15-2301 to 27-15-2307.

**Defined,** §27-15-2301.

**License plates,** §27-15-2307.

**Ownership requirements,**  
§27-15-2303.

**Registration,** §27-15-2304.

Fee, §27-15-2304.

Reproduction or facsimile of antique  
motorcycle, §27-15-2302.

Transfer, §27-15-2305.

**Use,** §27-15-2306.

**ANTIQUE MOTOR VEHICLES,**

§§27-15-2201 to 27-15-2209.

**Assemblage of vehicle,** §27-15-2204.  
**Collector.**

Defined, §27-15-2201.

**Equipment,** §27-15-2205.

**Fees,** §§27-15-2202, 27-15-2209.

**Historic or special interest vehicle.**

Defined, §27-15-2201.

**License plate,** §§27-15-2203,  
27-15-2209.

**Limitations on use,** §27-15-2206.

**Parts car.**

Defined, §27-15-2201.

**Registration,** §27-15-2202.

**Restored to original specifications,**  
§27-15-2203.

**Sale or transfer,** §27-15-2208.

**Storage regulation,** §27-15-2207.

**APPEALS.****License plates.**

Special license plates.

Adverse agency decision, §27-24-107.

**ARKANSAS CATTLEMEN'S  
FOUNDATION.**

**Special interest license plates,**  
§§27-24-1401 to 27-24-1408.

**ARKANSAS FALLEN  
FIREFIGHTERS' MEMORIAL.**

**Special license plates,** §§27-15-5201 to  
27-15-5206.

Authorized, §27-15-5201.

Compliance with other laws,  
§27-15-5206.

Fees, §§27-15-5202, 27-15-5203.

Plate design, §27-15-5202.

Renewal, §27-15-5204.

Transfer to another vehicle,  
§27-15-5205.

**ARKANSAS NORTHEASTERN  
COLLEGE.**

**Special license plates,** §§27-24-1001 to  
27-24-1209.

**ARKANSAS PUBLIC  
TRANSPORTATION  
COORDINATION COUNCIL,**  
§§27-3-101 to 27-3-107.

**ARKANSAS STATE GOLF  
ASSOCIATION.**

**Special license plates,** §§27-15-5101 to  
27-15-5106.

Authorized, §27-15-5101.

Compliance with other laws,  
§27-15-5106.

Fees, §27-15-5103.

Plate design, §27-15-5102.

Renewal, §27-15-5104.

Transfer to another vehicle,  
§27-15-5105.

**ARKANSAS STATE UNIVERSITY.**

**Special license plates,** §§27-24-1001 to  
27-24-1209.

**ARKANSAS STATE  
UNIVERSITY-BEEBE.**

**Special license plates,** §§27-24-1001 to  
27-24-1209.

**ARKANSAS TECH UNIVERSITY.**

**Special license plates,** §§27-24-1001 to  
27-24-1209.

**ARREST.****Motor vehicles.**

Police authority of officers and office,  
§27-14-405.

**ATTORNEY GENERAL.****License plates.**

Special license plates, §§27-24-801 to  
27-24-804.

**ATTORNEY GENERAL —Cont'd**

**Special license plates**, §§27-24-801 to 27-24-804.

**AUDITOR OF STATE.****License plates.**

Special license plates, §§27-24-801 to 27-24-804.

**Special license plates**, §§27-24-801 to 27-24-804.

**AUDITS AND AUDITORS.****Motor vehicles.**

Equipment.

Vehicle equipment safety compact.

Accounts of commission subject to audit by state, §27-33-107.

**B****BICYCLES.**

**Lights**, §27-36-220.

**Motorized bicycles**, §§27-20-101 to 27-20-118.

**BLACK BOXES.**

**Motor vehicle event data recorders**, §27-37-103.

**BLASTING.****Explosions and explosives.**

Motor vehicles.

Transportation of explosives.

Rules and regulations, §27-37-203.

**BLIND PERSONS.****Motor vehicles.**

Drivers' licenses.

Persons not to be licensed, §27-16-604.

Suspension.

Grounds, §27-16-907.

**BONDS, SURETY.****Manufactured homes.**

Payment of fees on monthly basis, §27-35-307.

**Motor vehicles.**

Registration.

Applications, §27-14-409.

**BOYS CLUBS.****License plates.**

Nominal fee plates, §§27-24-601 to 27-24-612.

**BOY SCOUTS.**

**License plates**, §§27-24-1401 to 27-24-1408.

**BRAKES.**

**Capability of system**, §27-37-502.

**Equipment required**, §27-37-501.

**BRAKES —Cont'd****Fluid.**

Label requirements, §27-38-204.

Specifications.

Amendment or change, §27-38-203.

Conformity required, §27-38-202.

Establishment, §27-38-203.

Label requirements, §27-38-204.

Misdemeanors, §27-38-201.

**Motorcycles.**

Required, §27-20-104.

**Performance**, §27-37-502.**Requirements**, §27-37-501.**BREAST CANCER.**

**License plates**, §§27-24-1401 to 27-24-1408.

**BRIDGES.****Manufactured homes.**

Restrictions on transportation, §27-35-306.

**BUDGETS.****Motor vehicles.**

Vehicle equipment safety compact.

Commission, submission of budget to chief fiscal officer of state, §27-33-106.

**BUSES.****Definitions**, §27-14-207.

Farm-to-market buses, §27-14-1403.

**Farm-to-market buses.**

Defined, §27-14-1403.

Fees.

License fee, §27-14-1403.

Registration.

Fee, §27-14-1403.

**Fees.**

Farm-to-market buses.

License fee, §27-14-1403.

Registration, §27-14-1402.

Farm-to-market buses, §27-14-1403.

Interstate motor buses, §27-14-1401.

**Interstate motor buses.**

Registration.

Fees, §27-14-1401.

**Length.**

Maximum length, §27-35-208.

**Lights.**

Requirements, §27-36-218.

**Reflectors.**

Required on new vehicles, §27-36-218.

**Registration.**

Farm-to-market buses.

Fee, §27-14-1403.

Fees, §27-14-1402.

Farm-to-market buses, §27-14-1403.

Interstate motor buses, §27-14-1401.



**BUSES —Cont'd****Registration —Cont'd**

Interstate motor buses.

Fees, §27-14-1401.

**C****CAMPERS.****School buses converted to or equipped as campers.**License plates and registration,  
§27-15-4001.**CANCER.****Breast cancer.**License plates, §§27-24-1401 to  
27-24-1408.**CAR SEATS.****Child passenger protection,**

§§27-34-101 to 27-34-108.

**CEMETERIES.****Motor vehicles.**Exclusion of motor vehicles from  
cemeteries.

Authorized, §27-14-702.

**CENTRAL ARKANSAS UNIVERSITY.****Special license plates,** §§27-24-1001 to  
27-24-1209.**CHARITABLE CONTRIBUTIONS.****Religious organizations.**

Special license plates.

Nominal fee plates, §§27-24-601 to  
27-24-612.**CHAUFFEURS.****Bribery.**Bonus, discount or other  
considerations for purchase of  
supplies or parts, §27-14-2209.**Use of motor vehicle without  
owner's consent.**

Prohibited, §27-14-2208.

**CHILD PASSENGER PROTECTION,**

§§27-34-101 to 27-34-108.

**Actions,** §27-34-106.**Age of child,** §27-34-104.**Child passenger protection fund.**

Created, §27-34-107.

**Exceptions,** §27-34-105.

Seat belt exceptions, §27-34-104.

**Legislative intent,** §27-34-102.**Negligence,** §27-34-106.**Public safety fund,** §27-34-108.**Purchase of seats by highway safety  
program,** §27-34-107.**Required,** §27-34-104.**CHILD PASSENGER PROTECTION**

—Cont'd

**Title of chapter,** §27-34-101.**Violations,** §27-34-103.**Weight of child,** §27-34-104.**CHILDREN.****Child passenger protection,**

§§27-34-101 to 27-34-108.

**Motor vehicles.**

Child passenger protection,

§§27-34-101 to 27-34-108.

**CHILD RESTRAINT LAW.****Child passenger protection,**

§§27-34-101 to 27-34-108.

**CHILD SUPPORT.****Commercial vehicle drivers.**License suspension for delinquent  
child support, §27-23-125.**Motor vehicles.**

Commercial drivers.

Licenses.

Suspension for delinquent child  
support, §27-23-125.**CHOOSE LIFE LICENSE PLATES,**

§§27-24-1401 to 27-24-1408.

**CIVIL AIR PATROL.****Special license plates.**Nominal fee plates, §§27-24-601 to  
27-24-612.**CIVIL CLUBS.****Special license plates.**Nominal fee plates, §§27-24-601 to  
27-24-612.**COLLEGIATE LICENSE PLATES,**

§§27-24-1001 to 27-24-1108.

**COMMERCIAL DRIVERS,**

§§27-23-101 to 27-23-128.

**Applications for license,** §27-23-110.**Child support.**License suspension for delinquent  
child support, §27-23-125.**Classifications,** §27-23-111.**Contents of license,** §27-23-111.**Criminal history information and  
background,** §27-23-111.**Deferment of sentence for  
violations,** §27-23-128.**Definitions,** §27-23-103.**Disqualification for violation of out  
of service orders,** §27-23-112.**Driving while intoxicated,**  
§§27-23-112 to 27-23-115.**Drug and alcohol testing,** §§27-23-201  
to 27-23-211.

Applicability of provisions, §27-23-203.

**COMMERCIAL DRIVERS —Cont'd****Drug and alcohol testing —Cont'd**

Confidentiality, §27-23-206.

Database use by employees,  
§27-23-208.Database use by employers,  
§27-23-207.

Definitions, §27-23-202.

Exemption from provisions,  
§27-23-203.Grants to assist with program,  
§27-23-210.Immunity from liability for  
performance of duties under  
provisions, §27-23-211.Maintenance of information,  
§27-23-206.

Penalties for violations, §27-23-209.

Report of test results, §27-23-205.

Rules adoption, §27-23-210.

Testing by employer, §27-23-204.

Title of chapter, §27-23-201.

**Duplicate licenses.**Change of licensee's name or address,  
§27-23-110.**Employer responsibility, §27-23-106.****Endorsements on license, §27-23-111.****Enforcement of chapter, §27-23-122.****Expiration of license, §27-23-111.****Fees.**

Distribution, §27-23-118.

Examination fee, §27-23-110.

**Fines.**Employers' violation of responsibility,  
§27-23-106.**Funds.**Commercial driver's license fund,  
§27-23-124.**Instruction permits, §27-23-108.**

Applications, §27-23-110.

**Misdemeanors, §27-23-107.****Non-license holders.**

Disqualification, §27-23-127.

**Nonresidents.**

Licenses, §§27-23-109, 27-23-110.

Reciprocity provisions, §27-23-123.

Traffic law convictions.

Notice to driver licensing authority  
in other states, §27-23-116.**Notification of out-of-state traffic  
convictions required by driver,  
§27-23-105.****Number of licenses.**

Limitation, §27-23-104.

**Offenses, §27-23-114.****Office of driver services.**Agreement-making authority,  
§27-23-121.**COMMERCIAL DRIVERS —Cont'd****Office of driver services —Cont'd**

Rulemaking authority, §27-23-120.

**Out of service orders.**Consumption of intoxicating  
beverages.

Violation of order, §27-23-113.

Notification by law enforcement officer,  
§27-23-126.

Penalties for violation, §27-23-112.

**Permits, §27-23-108.**

Applications, §27-23-110.

**Purpose of chapter, §27-23-102.****Qualification standards, §27-23-108.****Railroad grade crossing violations,  
§27-23-112.****Reciprocity, §27-23-123.****Records.**

Driving record information.

Furnishing, §27-23-117.

**Renewal of license, §27-23-111.****Requirement of license, §27-23-107.****Restrictions on license, §27-23-111.****Rules and regulations.**

Authority to promulgate, §27-23-120.

Exemptions from federal commercial  
motor vehicle safety act,  
§27-23-119.**Skills test.**

Fees, §27-23-110.

Required, §27-23-108.

Waiver, §27-23-108.

**Suspension, revocation or  
cancellation of license.**

Delinquent child support, §27-23-125.

Employer responsibilities, §27-23-106.

Grounds, §27-23-112.

Misdemeanor for driving while subject  
to disqualification, §27-23-107.**Third party testers or skills test,  
§27-23-108.****Title of chapter.**

Short title, §27-23-101.

**COMMITTED TO EDUCATION.****Special interest license plates,  
§§27-24-1401 to 27-24-1408.****COMMUNITY COLLEGES.****License plates.**Special license plates, §§27-24-1001 to  
27-24-1209.**Special license plates, §§27-24-1001 to  
27-24-1209.****COMPACTS.****Driver license compact, §§27-17-101  
to 27-17-106.****Motor vehicles.**Driver license compact, §§27-17-101 to  
27-17-106.

**COMPACTS —Cont'd****Motor vehicles —Cont'd**

Vehicle equipment safety compact,  
§§27-33-101 to 27-33-109.

**COMPARATIVE FAULT.****Motor vehicles.**

Seat belts.

Mandatory use of seat belts.

Noncompliance not considered as  
evidence of comparative  
negligence, §27-37-703.

**Seat belts.**

Mandatory use of seat belts.

Noncompliance not considered as  
evidence of comparative  
negligence, §27-37-703.

**COMPUTERS.****Motor vehicles.**

Changes in state driving laws.

Website information to public,  
§27-14-609.

**CONFIDENTIALITY OF  
INFORMATION.****Commercial drivers, drug and  
alcohol testing, §27-23-206.****Motor vehicle event data recorders,  
§27-37-103.****Motor vehicles.**

Safety responsibility.

Accident reports, §27-19-510.

**CONTAINERS.****Hazardous substances.**

Transportation, §§27-2-101 to  
27-2-108.

**CONTRIBUTORY NEGLIGENCE.****Motor vehicles.**

Seat belts.

Mandatory use of seat belts.

Noncompliance not considered as  
evidence, §27-37-703.

**CONTROLLED SUBSTANCES.****Motor vehicles.**

Drivers' licenses.

Suspension of driving privilege.

Conviction of controlled substance  
offense, §27-16-915.

Restricted driving permit in  
cases of extreme and  
unusual hardships,  
§27-16-915.

**COSTS.****Motor vehicles.**

Seat belts.

Mandatory use of seat belts.

Court costs, §27-37-706.

**COUNTIES.****Motor vehicles.**

Parking.

Persons with disabilities.

Local ordinances regarding  
parking privileges,  
§27-15-312.

**CREDIT CARDS.****Motor vehicle registration.**

Payment of fees, §27-14-608.

**CRIMINAL HISTORY  
INFORMATION AND  
BACKGROUND.****Commercial drivers, licenses,  
§27-23-111.****Drivers' licenses.**

Commercial drivers, §27-23-111.

**CRIMINAL LAW AND PROCEDURE.****All-terrain vehicles, §27-21-104.****Commercial drivers, §27-23-114.**

Driving without license or while  
license suspended, revoked or  
canceled, §27-23-107.

**Hazardous substances.**

Transportation of hazardous materials,  
§27-2-104.

**Motorcycles, §27-20-102.****Motor vehicles.**

Antifreeze violations, §27-38-102.

Bonus for purchase of supplies or  
parts.

Offer or acceptance, §27-14-2209.

Brake fluid.

Possession, sale or offering for sale  
of brake fluid not meeting  
specifications, §27-38-201.

Certificates of title.

Disclosure of damage and repair,  
§27-14-2304.

False evidences of title, §27-14-307.

Fraudulent applications, §27-14-303.

Operation of vehicle without,  
§27-14-701.

Transfer of title.

Failure to deliver certificate of  
title, §27-14-901.

Child passenger protection,  
§27-34-103.

Commercial drivers, §27-23-114.

Licenses.

Driving without license or while  
license suspended, revoked or  
cancelled, §27-23-107.

Commissioner of motor vehicles.

Witnesses.

Failure to obey summons,  
§27-14-407.



**CRIMINAL LAW AND PROCEDURE**

—Cont'd

**Motor vehicles —Cont'd**

Cutouts.

Sale of cutouts, §27-37-602.

Disabilities, individuals with.

Parking, §27-15-305.

Drivers' licenses.

Driving while license cancelled,  
suspended or revoked,  
§27-16-303.False affidavit or false swearing as  
perjury, §27-16-306.General penalty provision,  
§27-16-301.

Restricted licenses.

Operation in violation of  
restrictions, §27-16-804.

Unlawful use of license, §27-16-302.

Equipment violations, §27-37-101.

General penalty provisions.

Felonies, §27-14-302.

Misdemeanors, §27-14-301.

Insurance.

Liability insurance.

Inadequate insurance during an  
accident, §27-22-105.Operation of vehicle in violation of  
requirements, §27-22-103.

Lights, §27-36-101.

Auxiliary driving lights, §27-36-222.

Flashing lights, §27-36-301.

Loads.

Refusal to remove excess load,  
§27-35-108.

Manufacturer's numbers.

Altering or changing, §27-14-2211.

Vehicles or engines without,  
§27-14-2210.Parking for individuals with  
disabilities, §27-15-305.

Registration.

Affidavit that vehicle not operated  
on highways after time for  
registering.

False affidavit, §27-14-1004.

Certificates of registration.

Failure to keep in motor vehicle,  
§27-14-1010.

Change of address.

Failure to report to commissioner,  
§27-14-1019.Failure to affix or display license  
plate, tab or decal or  
registration card, §27-14-1005.**CRIMINAL LAW AND PROCEDURE**

—Cont'd

**Motor vehicles —Cont'd**

Registration —Cont'd

Failure to register.

Driving vehicle more than 60 days  
after period for registering.Additional penalties,  
§27-14-314.False evidences of title or  
registration, §27-14-307.

Fees.

Operation on public roads without  
paying, §27-14-601.

Fraudulent applications, §27-14-303.

Fraudulent tax receipts,  
§27-14-1015.Improper use of evidences of  
registration, §27-14-306.

License plates.

Personalized plates.

Failure to surrender on  
nonrenewal, §27-14-1009.Operation of vehicles without license  
plates, §27-14-304.Operation of vehicle without  
registration, §27-14-701.

Trailers, §27-14-1301.

Trucks, §27-14-1301.

Unofficial plates.

Using or making, §27-14-305.

Reports.

Vehicle left in storage or parked over  
30 days.Failure of garage or other owner  
to report, §27-14-2206.Safety responsibility violations,  
§27-19-301.Erroneous report or forgery,  
§27-19-303.Failure to report accident,  
§27-19-302.Failure to return license or  
registration, §27-19-305.Operating vehicle when license or  
registration suspended or  
revoked, §27-19-304.

Seat belts.

Mandatory use, §27-37-706.

Sale of substandard seat belts,  
§27-37-201.

Serial numbers.

Mutilation, §27-14-2212.

Size of vehicles.

Driving vehicles exceeding  
limitations, §27-35-101.

**CRIMINAL LAW AND PROCEDURE**

—Cont'd

**Motor vehicles —Cont'd**

Tires.

Metal studded tires.

Use outside prescribed period,  
§27-37-402.Towing vehicles licensed in other  
states, §27-35-112.

Trailers.

Registration, §27-14-1301.

Permanent trailer licensing act.

Failure to display plate or decal,  
§27-14-1204.Failure to keep registration  
certificate in prescribed  
place, §27-14-1209.Failure to report change of  
address, §27-14-1217.

Transfers to dealers, §27-14-904.

Unlawful taking of vehicle,  
§27-14-2207.Use of vehicle without owner's  
consent, §27-14-2208.

Weight of vehicles.

Driving vehicles exceeding  
limitations, §27-35-101.

Overweight vehicles, §27-35-202.

Single and tandem axle load limits,  
§27-35-203.

Width of vehicles.

Placards for vehicles exceeding  
limits.Operation on highways without,  
§27-35-206.

Windows.

Obstruction of interior, §27-37-304.

Tinting.

Light transmission levels,  
§27-37-306.**Taxicabs.**

Insurance.

Liability insurance prerequisite to  
licensing.Operation in violation of  
provisions, §27-14-1501.**CUTOUTS.****Motor vehicles**, §27-37-602.**D****DEAF PERSONS.****License plates**, §27-15-101.**DEALERS.****Fees.**

Registration.

Drive-out tags, §27-14-2104.

**DECALS.****License plates**, §§27-14-1002,  
27-14-1005, 27-14-1018.**Motor vehicle registration.**Tab or decal, §§27-14-1002,  
27-14-1005, 27-14-1018.**Trailers.**Registration, §§27-14-1202,  
27-14-1204, 27-14-1215.**DEFINED TERMS.****Access aisle.**Motor vehicle registration and  
licensing.Access to parking for persons with  
disabilities, §27-15-302.**Adequate emergency equipment.**Hazardous materials transportation,  
§27-2-102.**Adequate immediate container.**Hazardous material transportation,  
§27-2-102.**African-American fraternity or  
sorority.**

Special license plates, §27-24-1202.

**Aid and attendance.**Military service license plates,  
§27-24-203.**A label which provides an adequate  
warning.**Hazardous materials transportation,  
§27-2-102.**Alcohol.**Commercial drivers' licenses,  
§27-23-103.**Alcoholic beverages.**Commercial drivers' licenses,  
§27-23-103.**All-terrain vehicle**, §27-21-102.**Antique license plate.**

Antique motor vehicles, §27-15-2201.

Motor vehicle registration and  
licensing, §27-15-2307.**Antique motorcycle.**Motor vehicle registration and  
licensing, §27-15-2301.**Applicant.**Commercial driver's licenses,  
§27-23-103.**Authorized representative.**Motor vehicle event data recorders,  
§27-37-103.**Blood alcohol concentration.**Commercial drivers' licenses,  
§27-23-103.**Blue dot tail light.**Street rods, license plates,  
§27-24-1502.

**DEFINED TERMS —Cont'd****Bus.**

Motor vehicle registration and licensing, §27-14-207.

**Carrier.**

Hazardous materials transportation, §27-2-102.

**Chauffeur.**

Motor vehicle safety responsibility, §27-19-203.

**Church bus.**

Nominal fee plates, §27-24-602.

**Class one trucks.**

Permanent automobile licensing, §27-14-1002.

**Collector.**

Antique motor vehicles, §27-15-2201.

**College or university.**

Agricultural education, §27-24-1102.  
Special license plates, §27-24-1002.

**Commerce.**

Commercial drivers' licenses, §27-23-103.

**Commercial driver's instruction permit, §27-23-103.****Commercial drivers' license, §27-23-103.****Commercial drivers' license information system, §27-23-103.****Commercial motor vehicle, §27-23-103.**

Permanent automobile licensing, §27-14-1002.

**Community or farm-to-market buses, §27-14-1403.****Congregation.**

Nominal fee plates, §27-24-602.

**Controlled substance.**

Commercial drivers' licenses, §27-23-103.

**Conviction.**

Commercial drivers' licenses, §27-23-103.  
Driver license compact, §27-17-101.

**Coordination.**

Public transportation, §27-3-104.

**Custom vehicle.**

Street rods, license plates, §27-24-1502.

**Decal.**

Permanent trailer licensing, §27-14-1202.

**Designee.**

Motor vehicle registration, §27-14-725.

**Disabled veteran.**

Military service license plates, §27-24-203.  
Parking, §27-15-316.

**DEFINED TERMS —Cont'd****Disabled veteran/nonservice injury.**

Military service license plates, §27-24-203.

**Disabled veteran/World War I.**

Military service license plates, §27-24-203.

**Disqualification.**

Commercial drivers' licenses, §27-23-103.

**Drive.**

Commercial drivers' licenses, §27-23-103.

**Driver.**

Commercial drivers' licenses, §27-23-103.  
Drivers' licenses, §27-16-204.  
Motor vehicle safety responsibility, §27-19-204.  
Office of driver services, §27-16-401.

**Driver applicant.**

Commercial driver's licenses, §27-23-103.

**Driver's license.**

Commercial drivers' licenses, §27-23-103.  
Driver's license security and modernization act, §27-16-1102.

**Driving a commercial motor vehicle while under the influence of alcohol, §27-23-103.****Employer.**

Commercial drivers' licenses, §27-23-103.

**Equipment.**

Vehicle equipment safety compact, §27-33-101.

**Essential parts.**

Motor vehicle registration and licensing, §27-14-214.

**Established place of business.**

Motor vehicle registration and licensing, §27-14-206.

**Executive head.**

Driver license compact, §27-17-103.  
Vehicle equipment safety compact, §27-33-102.

**Farm tractor.**

Drivers' licenses, §27-16-207.

**Federal agency.**

Public transportation coordination, §27-3-104.

**Felonies.**

Commercial drivers' licenses, §27-23-103.

**Firefighter.**

Public and military service recognition, §27-24-1302.



**DEFINED TERMS —Cont'd****Foreign jurisdiction.**

Commercial drivers' licenses,  
§27-23-103.

**Foreign vehicle.**

Motor vehicle registration and  
licensing, §27-14-208.

**4-H club.**

Nominal fee plates, §27-24-602.

**Front or steering axle.**

Weight of vehicles, §27-35-203.

**Gross combination weight rating.**

Commercial drivers' licenses,  
§27-23-103.

**Gross loaded weight.**

Motor vehicle registration and  
licensing, §27-14-601.

**Gross vehicle weight rating.**

Commercial drivers' licenses,  
§27-23-103.

**Hazardous materials.**

Commercial drivers' licenses,  
§27-23-103.

Transportation, §27-2-102.

**Highway.**

Drivers' licenses, §27-16-205.

**Historic or special interest vehicle.**

Antique motor vehicles, §27-15-2201.

**Home state.**

Driver license compact, §27-17-101.

**Identification card.**

Driver's license security and  
modernization act, §27-16-1102.

**Immediate container.**

Hazardous materials transportation,  
§27-2-102.

**Imminent hazard.**

Commercial drivers' licenses,  
§27-23-103.

**Implements of husbandry,**

§27-14-212.

Motor vehicle registration and  
licensing, §27-14-212.

**Insurance.**

Mobile homes and houses, §27-35-301.

**Intoxicated.**

Commercial motor vehicle driving  
offenses, §27-23-114.

**Judgment.**

Motor vehicle safety responsibility.  
Proof of financial responsibility for  
the future, §27-19-701.

**License.**

Motor vehicle safety responsibility,  
§27-19-205.

**Licensee.**

Drivers' licenses, §27-16-811.

**DEFINED TERMS —Cont'd****Licensing authority.**

Driver license compact, §27-17-102.

**Local agency.**

Public transportation coordination,  
§27-3-104.

**Low pressure tire.**

All-terrain vehicles, §27-21-102.

**Manufactured home, §27-14-1601.**

Motor vehicle registration and  
licensing, §27-14-207, 27-14-1601.

**Manufactured home unit, §27-35-301.****Manufacturer, §27-14-205.**

Motor vehicle registration and  
licensing, §27-14-205.

Motor home transportation by  
manufacturer, §27-14-1901.

**Merchant Marine.**

Military service license plates,  
§27-24-203.

**Metal tire, §27-14-215.**

Motor vehicle registration and  
licensing, §27-14-215.

**Methanol.**

Antifreeze, §27-38-101.

**Minor.**

Drivers' licenses, §27-16-702.

**Mobile home, §§27-14-207, 27-14-1601.**

Motor vehicle registration and  
licensing, §27-14-207, 27-14-1601.

**Motorcycle, §§27-14-207, 27-20-101.**

Motor vehicle registration and  
licensing, §27-14-207.

Nitrous oxide, §27-37-802.

**Motor-driven cycle, §27-20-101.****Motor home, §27-14-207.**

Motor vehicle registration and  
licensing, §27-14-207.

**Motorized bicycle, §27-20-101.****Motor vehicle, §27-14-207.**

Commercial drivers' licenses,  
§27-23-103.

Drivers' licenses, §27-16-207.

Motor vehicle registration and  
licensing, §27-14-2301.

Motor vehicle safety responsibility,  
§27-19-206.

Registration and licensing, §27-14-207.

Seatbelts, §27-37-701.

Special license plate act of 2005,  
§27-24-103.

**Motor vehicle event data recorders, §27-37-103.****Motor vehicle liability policy.**

Motor vehicle safety responsibility.  
Proof of financial responsibility for  
the future, §27-19-713.

**DEFINED TERMS —Cont'd****Nitrous oxide.**

Motor vehicles, §27-37-802.

**Nonresident, §27-14-204.**

Drivers' licenses, §27-16-203.

Motor vehicle registration and licensing, §27-14-204.

Motor vehicle safety responsibility, §27-19-207.

**Nonresident commercial drivers' license, §27-23-103.****Nonresidents operating privilege.**

Motor vehicle safety responsibility, §27-19-208.

**Occurrence.**

Motor vehicle registration and licensing, §27-14-2301.

**Office, §27-14-202.****Office of motor vehicle.**

Motor vehicle registration and licensing, §27-14-2301.

**Operator.**

Motor vehicle safety responsibility, §27-19-210.

**Out of service order.**

Commercial drivers' licenses, §27-23-103.

**Overlength.**

Mobile homes and houses, §27-35-301.

**Overwidth.**

Mobile homes and houses, §27-35-301.

**Owner, §27-14-203.**

Drivers' licenses, §27-16-204.

Motor vehicle event data recorders, §27-37-103.

Motor vehicle registration and licensing, §§27-14-203, 27-14-2301.

Motor vehicle safety responsibility, §27-19-211.

**Parts car.**

Antique motor vehicles, §27-15-2201.

**Passenger motor vehicle.**

Permanent automobile licensing, §27-14-1002.

**Permanent disability.**

Access to parking for persons with disabilities, §27-15-302.

**Person, §27-14-203.**

Antifreeze, §27-38-101.

Drivers' licenses, §27-16-204.

Motor vehicle registration and licensing, §27-14-203.

Motor vehicle safety responsibility, §27-19-212.

**Person with a disability.**

Motor vehicle registration and licensing, §27-15-302.

**DEFINED TERMS —Cont'd****Pneumatic tires.**

Motor vehicle registration and licensing, §27-14-215.

**Pole trailer, §27-14-210.**

Motor vehicle registration and licensing, §27-14-210.

**Private agency.**

Motor vehicle registration and licensing.

Access to parking for persons with disabilities, §27-15-302.

**Professional firefighter.**

Public and military service recognition, §27-24-1302.

**Proof of financial responsibility for the future.**

Motor vehicle safety responsibility, §27-19-701.

**Proper application.**

Permanent automobile licensing, §27-14-1002.

Permanent trailer licensing, §27-14-1202.

**Public agency.**

Motor vehicle registration and licensing.

Access to parking for persons with disabilities, §27-15-302.

**Public service.**

Public and military service recognition, §27-24-1302.

**Public streets and highways.**

All-terrain vehicles, §27-21-102.

**Public transportation, §27-3-104.****Reciprocal agreement.**

Drivers' licenses, §27-16-509.

**Reconstructed vehicle.**

Motor vehicle registration and licensing, §27-14-213.

**Registration, §27-14-1002.**

Motor vehicle safety responsibility, §27-19-213.

**Trailers.**

Permanent trailer licensing act, §27-14-1202.

**Regular attendance.**

Drivers' license instruction permits, §27-16-701.

**Religious organization.**

Nominal fee plates, §27-24-602.

**Resident, §27-14-204.**

Drivers' licenses, §27-16-203.

Motor vehicle registration and licensing, §27-14-204.

**Retired member.**

Public and military service recognition, §27-24-1302.

**DEFINED TERMS —Cont'd****Retired state trooper.**

Public and military service  
recognition, §27-24-1302.

**Revoke.**

Drivers' licenses, §27-16-206.

**Safety glass.**

Motor vehicle equipment, §27-37-301.

**Safety responsibility, §§27-19-201 to 27-19-214.****Salvage vehicle.**

Motor vehicle registration and  
licensing, §27-14-2301.

**School bus, §27-14-207.**

Commercial drivers' licenses,  
§27-23-103.

Drivers' licenses, §27-16-207.

Motor vehicle registration and  
licensing, §27-14-207.

**Seatbelt, §27-37-701.****Seat belts.**

Mandatory seat belt use, §27-37-701.

**Semitrailer, §27-14-210.**

Motor vehicle registration and  
licensing, §27-14-210.

**Serious traffic violation.**

Commercial drivers' licenses,  
§27-23-103.

Office of driver services, §27-16-401.

**Serious walking handicap.**

All-terrain vehicles.

Operation on public highways,  
§27-21-106.

**Service.**

Transportation, §27-1-103.

**Solid tire, §27-14-215.**

Motor vehicle registration and  
licensing, §27-14-215.

**Special license plate.**

Special license plate act of 2005,  
§27-24-103.

**Specially constructed vehicle.**

Motor vehicle registration and  
licensing, §27-14-213.

**Special mobile equipment,**

§27-14-211.

Motor vehicle registration and  
licensing, §27-14-211.

**Special permit.**

Mobile homes and houses, §27-35-301.

**State.**

Commercial drivers' licenses,  
§27-23-103.

Driver license compact, §27-17-101.

Driver's license security and  
modernization act, §27-16-1102.

Motor vehicle safety responsibility,  
§27-19-701.

**DEFINED TERMS —Cont'd****State —Cont'd**

Public transportation coordination,  
§27-3-104.

Vehicle equipment safety compact,  
§27-33-101.

**State agency.**

Public transportation coordination,  
§27-3-104.

**Street or highway, §27-14-216.**

Drivers' licenses, §27-16-205.

Motor vehicle registration and  
licensing, §27-14-216.

Nitrous oxide, §27-37-802.

**Street rod.**

License plate, §27-24-1502.

**Structure.**

Manufactured homes, §27-35-301.

**Suspend.**

Drivers' licenses, §27-16-206.

**Tab or decal.**

Permanent automobile licensing,  
§27-14-1002.

**Tank vehicle.**

Commercial driver's licenses,  
§27-23-103.

**Tires, §§27-14-214, 27-14-215.****Title registration note.**

Motor vehicle registration by  
transferee, §27-14-903.

**Title retention note, §27-14-903.****Trailer.**

Motor vehicle registration and  
licensing, §27-14-210.

Permanent trailer licensing,  
§27-14-1202.

**Transport.**

Hazardous materials, §27-2-102.

**Transportation disadvantaged,**

§27-3-104.

**Transporter, §27-14-205.**

Motor vehicle registration and  
licensing, §27-14-205.

**Traveled way.**

Mobile homes and houses, §27-35-301.

**Truck, §27-14-209.**

Motor vehicle registration and  
licensing, §27-14-209.

**Truck tractor, §27-14-209.**

Motor vehicle registration and  
licensing, §27-14-209.

**United States.**

Commercial drivers' licenses,  
§27-23-103.

**Vehicle, §27-14-207.**

Motor vehicle registration and  
licensing, §27-14-207.



**DEFINED TERMS —Cont'd****Vehicle —Cont'd**

Motor vehicle safety responsibility,  
§27-19-214.

Vehicle equipment safety compact,  
§27-33-101.

**Volunteer rescue squad.**

Nominal fee plates, §27-24-602.

**Water-damaged.**

Motor vehicle registration and  
licensing, §27-14-2301.

**Width.**

Mobile homes and houses, §27-35-301.

**Youth group.**

Nominal fee plates, §27-24-602.

**DELTA SIGMA THETA.****Fraternities and sororities.**

Special license plates, §§27-24-1201 to  
27-24-1209.

**DISABILITIES, INDIVIDUALS  
WITH.**

**Parking,** §§27-15-301 to 27-15-316.

**DISABLED VETERANS.**

**Special license plates,** §§27-24-201 to  
27-24-208.

**DOMESTIC RELATIONS.****Motor vehicles.**

Negligent or willful misconduct by  
minors.

Family purpose doctrine, §27-16-702.

**DOMESTIC VIOLENCE.****Drivers' licenses.**

Address confidentiality program,  
§27-16-811.

**DRIVER EDUCATION.****Contracts.**

Limitations on, §27-18-105.

**Disabilities, persons with.**

Accessible parking for persons with  
disabilities, §27-18-110.

**Fees,** §27-18-106.

**Fuel conservation.**

Inclusion of information in driver's  
manual, §27-18-103.

**Funding program,** §27-18-104.

Cooperation of agencies, boards,  
commissions and schools,  
§27-18-102.

**Instruction manual.**

Information to be included,  
§27-18-108.

Organ donor information to be  
included, §27-18-109.

**Parking for persons with  
disabilities.**

Instruction regarding, §27-18-110.

**DRIVER EDUCATION —Cont'd**

**Purpose of program,** §27-18-101.

**Removal of vehicles from roadway.**

Instructions as to, §27-18-107.

**State police.**

Establishment of program, §27-18-101.

Gran'ts and donations.

Power to accept and use, §27-18-105.

**DRIVERS' LICENSES.****Address.**

Application to change name or  
address, §27-16-506.

**Address confidentiality program,**

§27-16-811.

**Administrative suspension or  
revocation.**

Motor vehicle insurance.

Cancellation or refusal to renew  
policy, §27-22-106.

**Age.**

Minimum age, §27-16-604.

Instruction permits, §27-16-802.

**Appeals.**

Denial, cancellation, suspension or  
revocation, §27-16-913.

**Applications,** §27-16-701.

Examinations of applicants,  
§§27-16-704, 27-16-705.

Intoxicating substances, questions  
regarding, §27-16-706.

Issuance without examination,  
§§27-16-704, 27-16-807.

Minors, §27-16-702.

Proof of high school diploma or  
enrollment and regular  
attendance in school.

Application to be accompanied by,  
§27-16-701.

Records, §27-16-501.

Selective service registration upon  
application, §27-16-507.

**Blind persons.**

Persons not to be licensed, §27-16-604.

Suspension.

Grounds, §27-16-907.

**Cancellation.**

Appeals, §27-16-913.

Authority of office, §27-16-903.

Driving while license cancelled,  
§27-16-303.

Minors.

Cancellation of license upon death of  
person signing minor's  
application, §27-16-904.

**Chauffeurs.****Age.**

Minimum age for licensing,  
§27-16-604.

**DRIVERS' LICENSES —Cont'd****Citation of chapter.**

Short title, §27-16-101.

**Commercial drivers**, §§27-23-101 to 27-23-128.

**Compact**, §§27-17-101 to 27-17-106.

**Construction and interpretation.**

Uniformity of interpretation, §27-16-102.

**Contents**, §27-16-801.

**Controlled substances.**

Conviction of controlled substance offense.

Suspension, §27-16-915.

Restricted driving permit in cases of extreme and unusual hardships, §27-16-915.

**Definitions**, §27-16-201.

Commissioner, §27-16-202.

Conviction, §27-16-502.

Department, §27-16-202.

Farm tractor, §27-16-207.

Highway, §27-16-205.

Motor vehicle, §27-16-207.

Nonresident, §27-16-203.

Office of driver services, §27-16-401.

Person, §27-16-204.

Resident, §27-16-203.

Revoke, §27-16-206.

School bus, §27-16-207.

Security and modernization act, §27-16-1102.

Street, §27-16-205.

Suspend, §27-16-206.

Vehicle, §27-16-207.

**Denial.**

Appeals, §27-16-913.

**Display of license on demand**, §27-16-601.

**Driver license compact.**

Administrator, §27-17-101.

Compensation, §27-17-104.

Definitions, §§27-17-101 to 27-17-103.

Enactment, §27-17-101.

Form, §27-17-101.

Furnishing information to other states, §27-17-102.

Governor.

Definition of "executive head," §27-17-103.

Incorporation of similar statutes into compact, §27-17-106.

Licensing authority.

Designation, §27-17-102.

Reports.

Suspension, revocation or limitation of license.

Courts to report, §27-17-105.

**DRIVERS' LICENSES —Cont'd****Driver license compact —Cont'd**

Statutes.

Incorporation of similar statutes into compact, §27-17-106.

Text, §27-17-101.

**Driving while intoxicated.**

Administrative suspension or revocation.

Motor vehicle insurance.

Cancellation or refusal to renew policy, §27-22-106.

Examinations of applicants for license.

Questions regarding intoxicating substances, §27-16-706.

Suspension or revocation of license.

Grounds for mandatory revocation, §27-16-905.

Mandatory revocation, §27-16-905.

Motor vehicle insurance.

Cancellation or refusal to renew policy, §27-22-106.

**Drugs.**

Examinations of applicants.

Questions regarding intoxicating substances, §27-16-706.

Habitual users of narcotic drugs not to be licensed, §27-16-604.

Revocation.

Driving under influence.

Grounds for mandatory revocation, §27-16-905.

**Duplicate licenses**, §27-16-806.

**Education.**

Applications for licenses or instruction permits.

Proof of high school diploma or enrollment and regular attendance in school.

Application to be accompanied by, §27-16-701.

**Examinations.**

Applicants, §§27-16-704, 27-16-705.

Intoxicating substances, questions regarding, §27-16-706.

Issuance without examination, §27-16-704.

Persons licensed by another state or armed services, §27-16-807.

Fees, §27-16-801.

Licensed drivers may be examined, §27-16-909.

**Exemptions.**

Persons exempt from licensing, §27-16-603.

**Exhibiting license on demand**, §27-16-601.

**DRIVERS' LICENSES —Cont'd****Expiration**, §27-16-901.

Extension of expiration date for servicemen, §27-16-902.

**Eyeglass wearers.**

Restricted licenses, §27-16-804.

**Fees**, §27-16-801.

Reinstatement after suspension, §§27-16-508, 27-16-808.

**Fraud.**

Cancellation of license, §27-16-903.

Prohibited uses of license, §27-16-302.

Grounds for suspension of license, §27-16-907.

**Generally**, §§27-16-101 to 27-16-915.**Homicide.**

Revocation on conviction of manslaughter or negligent homicide, §27-16-905.

**Instruction permits**, §27-16-802.

Applications, §27-16-701.

Minors, §27-16-702.

**Intermediate drivers' licenses**,

§27-16-804.

Application, §27-16-702.

Expiration and renewal, §27-16-901.

**Issuance**, §27-16-801.**Learners' licenses**, §27-16-804.

Application, §27-16-702.

Expiration and renewal, §27-16-901.

Instruction permits, §27-16-802.

Applications, §27-16-701.

**Lending license.**

Prohibited, §27-16-302.

**Loss or destruction.**

Duplicate licenses, §27-16-806.

**Mentally ill.**

Persons not to be licensed, §27-16-604.

**Military affairs.**

Exemptions from licensing, §27-16-603.

Expiration.

Extension of expiration date for servicemen, §27-16-902.

Extension of time, §27-16-902.

Issuance of license without examination to person licensed by armed services, §27-16-807.

Issuance without examination, §27-16-807.

**Minors.**

Applications, §27-16-702.

Cancellation of license.

Death of person signing minor's application, §27-16-904.

Intermediate drivers' licenses, §27-16-804.

Expiration and renewal, §27-16-901.

**DRIVERS' LICENSES —Cont'd****Minors —Cont'd**

Learners' licenses, §27-16-804.

Expiration and renewal, §27-16-901.

Liability of person signing application, §27-16-702.

Release from liability, §27-16-703.

Negligent or willful misconduct.

Imputed to person who signed application of minor, §27-16-702.

Permitting unauthorized minor to drive, §27-16-304.

Restricted licenses.

Generally, §27-16-804.

**Names.**

Application to change name or address, §27-16-506.

**Negligence.**

Suspension.

Grounds for suspension, §27-16-907.

**Nonresidents.**

Convictions.

Reporting, §27-16-504.

Defined, §27-16-203.

Exemptions from licensing, §27-16-603.

Issuance of license without examination, §27-16-807.

Suspension.

Nonresidents also subject to suspension, §27-16-908.

When nonresidents to obtain state license, §27-16-606.

**Notice.**

Change of address or name, §27-16-506.

Suspension.

Hearing, §27-16-907.

**Office of driver services.**

Definitions, §27-16-401.

Duties, §27-16-402.

Establishment, §27-16-402.

Incompetent persons.

Probate clerk to notify office when person declared incompetent, §27-16-505.

**Parking for persons with disabilities.**

Contents of written test, §27-16-706.

**Penalties.**

Driving while license cancelled, suspended or revoked, §27-16-303.

Misdemeanors, §27-16-301.

**Period of validity**, §27-16-801.**Perjury.**

False affidavit or false swearing, §27-16-306.



**DRIVERS' LICENSES —Cont'd****Perjury —Cont'd**

Grounds for mandatory revocation of license, §27-16-905.

**Permitting unauthorized person to drive, §27-16-305.**

Minors, §27-16-305.

**Person.**

Defined, §27-16-204.

**Persons not to be licensed, §27-16-604.****Reciprocity, §27-16-509.**

Recognition of foreign licenses, §27-16-809.

**Records, §27-16-501.****Reinstatement after suspension.**

Fee, §§27-16-508, 27-16-808.

**Renewal, §27-16-901.****Rental vehicles.**

Duties of persons renting motor vehicle to another, §27-16-605.

**Reports.**

Convictions, §27-16-502.

Nonresidents, §27-16-504.

Driver license compact.

Suspension, revocation or limitation of license.

Courts to report, §27-17-105.

**Required, §27-16-602.****Restricted licenses, §27-16-804.**

Conviction of controlled substances offense.

Extreme and unusual hardships, §27-16-915.

**Revocation.**

Appeals, §27-16-913.

Conviction of resident in another state, §27-16-906.

Definition of "revoke," §27-16-206.

Driving while intoxicated.

Administrative suspension or revocation.

Motor vehicle insurance cancellation or refusal to renew policy, §27-22-106.

Mandatory revocation, §27-16-905.

Motor vehicle insurance cancellation or refusal to renew policy, §27-22-106.

Driving while license revoked, §27-16-303.

Forwarding revoked license to office, §27-16-502.

Mandatory revocation.

Grounds, §27-16-905.

Operation under foreign license during revocation.

Prohibited, §27-16-910.

**DRIVERS' LICENSES —Cont'd****Revocation —Cont'd**

Period of revocation, §27-16-912.

Surrender and return of license, §27-16-911.

Failure or refusal to surrender prohibited, §27-16-302.

**Safety responsibility.**

Definition of "license," §27-19-205.

Suspension.

Accident reports.

Failure to report, §27-19-508.

Agreements for payment of damages.

Default in payment under agreement, §27-19-612.

Failure to return license.

Penalty, §27-19-305.

Operating vehicle when license suspended.

Penalty, §27-19-304.

Procedure, §27-19-404.

Proof of financial responsibility for the future, §27-19-703.

Action in respect to unlicensed persons, §27-19-704.

Nonpayment of judgments, §§27-19-707, 27-19-710.

Security following accident.

Failure to deposit, §27-19-610.

Surrender of license, §27-19-306.

**Security and modernization act, §§27-16-1101 to 27-16-1109.**

Alien permanent or temporary residence status, §27-16-1105.

Citation of act, §27-16-1101.

Compliance with federal act, §27-16-1103.

Confirmation of social security number with social security administration, §27-16-1106.

Definitions, §27-16-1102.

Evidence of legal status, §27-16-1105.

Fraudulent document recognition training programs, §27-16-1106.

Linking of databases, §27-16-1107.

Medicaid identification cards.

Inapplicability of act, §27-16-1109.

Minimum document requirements, §27-16-1104.

Minimum issuance standards, §27-16-1105.

Motor vehicle database, §27-16-1107.

Physical security features, §27-16-1104.

Physical security of office/branch locations, §27-16-1106.

**DRIVERS' LICENSES —Cont'd**  
**Security and modernization act**  
—Cont'd

- Proof of social security account or verification, §27-16-1105.
- Retention of documents, §27-16-1106.
- Rulemaking authority, §27-16-1108.
- United States citizenship, §27-16-1105.
- Valid immigration status, §27-16-1105.

**Selective service registration upon application, §27-16-507.**

**Suspension.**

- Administrative suspension or revocation.
- Driving while intoxicated.
  - Motor vehicle insurance cancellation or refusal to renew policy, §27-22-106.
- Appeals, §27-16-913.
- Controlled substances offense.
  - Conviction, §27-16-915.
  - Restricted driving permit in cases of extreme and unusual hardships, §27-16-915.

Conviction of resident in another state, §27-16-906.

Definition of "suspend," §27-16-206.

Driving while intoxicated.

Administrative suspension or revocation.

Motor vehicle insurance cancellation or refusal to renew policy, §27-22-106.

Driving while license suspended, §27-16-303.

Extension of period of suspension, §27-16-303.

Grounds, §27-16-907.

Hearing, §27-16-907.

Minors' licenses, §27-16-914.

Nonresidents also subject to having license suspended, §27-16-908.

Operation under foreign license during suspension.

Prohibited, §27-16-910.

Period of suspension, §27-16-912.

Driving while license suspended.

Extension of period, §27-16-303.

Reinstatement, fee, §§27-16-508, 27-16-808.

Safety responsibility.

Accident reports, §27-19-508.

Agreements for payment of damages, §27-19-612.

Duration, §27-19-611.

Failure to return license, §27-19-305.

**DRIVERS' LICENSES —Cont'd**  
**Suspension —Cont'd**

Safety responsibility —Cont'd

Operating vehicle when license suspended, §27-19-304.

Proof of financial responsibility for the future, §§27-19-703, 27-19-704.

Nonpayment of judgments, §§27-19-707, 27-19-710.

Surrender and return of license, §27-16-911.

Failure or refusal to surrender prohibited, §27-16-302.

**Temporary licenses, §27-16-803.**

**Term, §27-16-801.**

**Time for obtaining state license, §27-16-606.**

**Title of chapter.**

Short title, §27-16-101.

**Visual acuity.**

Requirements, §27-16-804.

**DRIVER'S LICENSE SECURITY AND MODERNIZATION ACT, §§27-16-1101 to 27-16-1109.**

**DRIVING WHILE INTOXICATED.**

**Administrative suspension or revocation of driver's license.**

Motor vehicle insurance.

Cancellation or refusal to renew policy, §27-22-106.

**Chemical analysis of body substances.**

Implied consent.

Commercial drivers, §27-23-115.

**Commercial drivers.**

Blood, breath or urine test.

Implied consent, §27-23-115.

Disqualification and cancellation of license, §27-23-112.

Misdemeanor, §27-23-114.

Prohibition against operating vehicle while any alcohol in system, §27-23-113.

**Driver education.**

Instruction manual to include information, §27-18-108.

**Drivers' licenses.**

Administrative suspension or revocation.

Motor vehicle insurance.

Cancellation or refusal to renew policy, §27-22-106.

Examinations of applicants.

Questions regarding intoxicating substances, §27-16-706.

**DRIVING WHILE INTOXICATED**

—Cont'd

**Drivers' licenses —Cont'd**

Revocation.

Mandatory revocation, §27-16-905.

Suspension or revocation.

Mandatory revocation, §27-16-905.

Motor vehicle insurance.

Cancellation or refusal to renew policy, §27-22-106.

**Habitual drunkards not to be licensed, §27-16-604.****Motor vehicle insurance.**

Administrative suspension or revocation of driver's license.

Cancellation or refusal to renew policy, §27-22-106.

**DRUG ABUSE.****Commercial drivers.**

Drug and alcohol testing, §§27-23-201 to 27-23-211.

**DRUGS.****Motor vehicles.**

Drivers' licenses.

Examinations of applicants.

Questions regarding intoxicating substances, §27-16-706.

Habitual users of narcotic drugs not to be licensed, §27-16-604.

**DRUG TESTS.****Commercial drivers.**

Drug and alcohol testing, §§27-23-201 to 27-23-211.

**DRUNKENNESS.****Motor vehicles.**

Drivers' licenses.

Habitual drunkards not to be licensed, §27-16-604.

Revocation.

Driving under influence.

Grounds for mandatory revocation, §27-16-905.

**DUCKS UNLIMITED.****Special interest license plates, §§27-24-1401 to 27-24-1408.****E****EDUCATION.****Driver education, §§27-18-101 to 27-18-108.****Motorcycles.**

Operator instruction, §27-20-109.

**EDUCATION —Cont'd****Motor vehicle dealers.**

New vehicles loaned by dealers.

Exemption for taxes and license fees, §27-15-4002.

**Motor vehicles.**

Driver education, §§27-18-101 to 27-18-108.

Drivers' licenses.

Application for instruction permit, requirements, §27-16-701.

**EMERGENCY MEDICAL SERVICES.****Rescue squads.**

Nominal fee plates.

Special license plates, §§27-24-601 to 27-24-612.

**Special license plates.**

Public and military service recognition, §§27-24-1301 to 27-24-1311.

Rescue squads.

Nominal fee plates, §§27-24-601 to 27-24-612.

**EMPLOYERS AND EMPLOYEES.****Commercial drivers.**

Drug and alcohol testing, §§27-23-201 to 27-23-211.

Employer responsibility, §27-23-106.

**Motor vehicles.**

Commercial drivers.

Employer responsibility, §27-23-106.

Employer violations.

Civil penalties, §27-23-106.

**ENGINES.****Motor vehicles.**

Certificates of title.

Changing engines.

Regulations concerning, §27-14-722.

Mutilation of serial numbers, §27-14-2212.

**ERIC'S LAW.****Motor vehicle nitrous oxide****prohibition act, §§27-37-801 to 27-37-803.**

Citation of act, §27-37-801.

Definitions, §27-37-802.

Exemption from use prohibition, §27-37-803.

**EVIDENCE.****Motor vehicle event data recorders, §27-37-103.**

Admissibility civil and criminal proceedings, §27-37-103.



**EVIDENCE —Cont'd****Motor vehicles.**

- Child passenger safety seat system.
  - Noncompliance not evidence of negligence and not admissible at trial, §27-34-106.
- Safety responsibility.
  - Matters not to be evidence in civil suits, §27-19-621.
- Seat belts.
  - Mandatory use of seat belts.
    - Noncompliance.
      - Effect, §27-37-703.

**EXAMINATIONS.****Motorcycles.**

- Certificate to operate motorized bicycle, §27-20-111.
- License applicants, §27-20-108.

**EX-PRISONERS OF WAR.****Special license plates.**

- Military service and veterans, §§27-24-201 to 27-24-208.

**F****FAMILY LAW.****Motor vehicles.**

- Negligent or willful misconduct by minors.
  - Family purpose doctrine, §27-16-702.

**FAMILY PURPOSE DOCTRINE.****Motor vehicles.**

- Negligent or willful misconduct by minors.
  - Imputed to person who signs minor's license application, §27-16-702.

**FARM MACHINERY.****Tractor.**

- Equipment regulations exemption, §27-37-102.
- Lights, §27-36-219.

**FAX MACHINES.****Motor vehicles.**

- Registration by facsimile machine, §27-14-1011.
- Renewal, §27-14-1013.

**FEES.****Agricultural education.**

- Special license plates, §§27-24-1105, 27-24-1106.

**Amateur radio operators.**

- Special license plates, §27-15-2401.

**Antique motor vehicles, §§27-15-2202, 27-15-2209.****FEES —Cont'd****Arkansas Fallen Firefighters' Memorial.**

- Special license plates, §§27-15-5202, 27-15-5203.

**Arkansas state game and fish commission.**

- Special license plates, §27-24-904.

**Arkansas state golf association.**

- Special license plates, §27-15-5103.

**Colleges and universities.**

- Special license plates, §27-24-1004.

**Drivers' licenses.**

- Generally, §27-16-801.
- Reinstatement after suspension, §§27-16-508, 27-16-808.

**General assembly.**

- Special license plates, §27-24-705.

**In God We Trust.**

- Special license plates, §§27-15-4902, 27-15-4903.

**Local fees prohibited.**

- Special license plates, §27-24-110.

**Manufactured homes.**

- Manufacturers.
  - License plates to transport motor homes, §27-14-1903.

**Military service and veterans.**

- Special license plates, §27-24-206.

**Motorcycles.**

- Registration, §27-14-601.
- Antique motorcycles, §§27-15-2304, 27-15-2307.

**Motor vehicle registration.**

- School buses converted to or equipped as campers, §27-15-4001.

**Nominal fee plates.**

- Special license plates, §§27-24-601 to 27-24-612.

**Public and military service recognition.**

- Special license plates, §§27-24-1303 to 27-24-1307.

**Public use vehicles/local government.**

- Special license plates.
  - County quorum courts, §27-24-303.

**School buses.**

- Mental retardation and developmental disabilities services division.
  - License fee for school buses owned by facilities licensed by, §27-14-1404.

**Special interest license plates.**

- Expedited application process, §§27-24-1403 to 27-24-1405.

**Street rods.**

- License plates, §27-24-1503.

## **FINANCE AND ADMINISTRATION DEPARTMENT.**

### **License plates.**

Special license plate act of 2005,  
§§27-24-101 to 27-24-1505.

### **Special license plates.**

General provisions, §§27-24-101 to  
27-24-1505.

## **FINES.**

**All-terrain vehicles**, §27-21-104.

### **Commercial drivers.**

Drug and alcohol testing, §27-23-209.  
Employer responsibility, §27-23-106.

**Motorcycles**, §27-20-102.

### **Motor vehicles.**

Antifreeze violations, §27-38-102.  
Bonus for purchase of supplies or  
parts.  
Offer or acceptance, §27-14-2209.  
Certificates of title.  
Fraudulent applications, §27-14-303.  
Child passenger protection,  
§27-34-103.

#### **Commercial drivers.**

Employer responsibility, §27-23-106.

#### **Cutouts.**

Sale of cutouts, §27-37-602.

#### **Disabilities, individuals with.**

Parking, §27-15-305.

#### **Drivers' licenses**, §27-16-301.

Driving while license cancelled,  
suspended or revoked,  
§27-16-303.

#### **General penalty provisions.**

Felonies, §27-14-302.

Misdemeanors, §27-14-301.

#### **Insurance.**

##### **Liability insurance.**

Operation of vehicle in violation of  
requirements, §27-22-103.

#### **Lights.**

Flashing lights, §27-36-301.

#### **Operating unsafe vehicle**, §27-32-102.

#### **Parking.**

Individuals with disabilities,  
§27-15-305.

#### **Registration.**

Affidavit that vehicle not operated  
on highways after time for  
registering.

False affidavit, §27-14-1004.

##### **Failure to register.**

Driving vehicle more than 60 days  
after period for registering.

Additional penalties,  
§27-14-314.

## **FINES —Cont'd**

### **Motor vehicles —Cont'd**

#### **Registration —Cont'd**

##### **Fees.**

Operation on public roads without  
paying, §27-14-601.

Fraudulent applications, §27-14-303.

Fraudulent tax receipts,  
§27-14-1015.

Trailers, §27-14-1301.

Trucks, §27-14-1301.

##### **Unofficial plates.**

Making or using, §27-14-305.

#### **Report.**

Vehicle left in storage or parked over  
30 days.

Failure of garage or other owner  
to report, §27-14-2206.

Safety responsibility violations,  
§27-19-301.

Erroneous report or forgery,  
§27-19-303.

Failure to report accident,  
§27-19-302.

Failure to return license or  
registration, §27-19-305.

Operating vehicle when license or  
registration suspended or  
revoked, §27-19-304.

#### **Seat belts.**

Mandatory use, §27-37-706.

Sale of substandard seat belts,  
§27-37-201.

#### **Tires.**

##### **Metal studded tires.**

Use outside prescribed period,  
§27-37-402.

Towing vehicles licensed in other  
states, §27-35-112.

Use of vehicle without owner's  
consent, §27-14-2208.

#### **Weight of vehicles.**

Overweight vehicles, §27-35-202.

#### **Width of vehicles.**

Placards for vehicles exceeding  
limits.

Operation on highways without,  
§27-35-206.

## **FIREFIGHTERS.**

### **Arkansas Fallen Firefighters'**

#### **Memorial license plates,**

§§27-15-5201 to 27-15-5206.

### **Public and military service recognition.**

Special license plates, §§27-24-1301 to  
27-24-1311.

**FIRES AND FIRE PREVENTION.****Fire engines.**

## Lights.

Red flashing or rotating lights.

Fire department vehicles,

§27-36-304.

**Motor vehicles.**

## Lights.

Fire department vehicles,

§27-36-304.

Privately owned vehicles,

§27-36-304.

**FLARES.****Motor vehicles.**

Certain vehicles to carry, §27-37-205.

Display when vehicle disabled,

§27-37-206.

**FORESTS AND FORESTRY.****Motor vehicles.**

Size of vehicles.

Forestry machinery exempt from

restriction, §27-35-209.

**FORFEITURES.****Commercial drivers.**

Distribution of forfeiture, §27-23-118.

**Motor vehicles.**

Commercial drivers.

Distribution of forfeiture,

§27-23-118.

**FORGERY.****Motor vehicles.**

Safety responsibility.

Proof of financial responsibility for  
the future.

Penalty, §27-19-303.

**4-H CLUBS.****Special license plates.**

Nominal fee plates, §§27-24-601 to

27-24-612.

**FRATERNITIES.****Special license plates, §§27-24-1201 to**

27-24-1209.

**FRAUD.****Drivers' licenses.**

Cancellation of license, §27-16-903.

**FUNDS.****Commercial driver license fund,**

§27-23-124.

**In God We Trust license plate fund,**

§27-15-4904.

**Motor vehicles.**

Child passenger protection fund,

§27-34-107.

Public safety fund, §27-34-108.

**FUNDS —Cont'd****Motor vehicles —Cont'd**

Commercial driver license fund,

§27-23-124.

**FUNERALS.****Hearses.**

Registration, §27-14-601.

**Motor vehicles.**

Registration of hearses and other

funeral cars, §27-14-601.

**G****GAME AND FISH.****Commission.**

Special license plates for Arkansas

state game and fish commission,

§§27-24-901 to 27-24-907.

Additional plates, §27-24-904.

Continuation of existing plates,

§27-24-902.

Existing plates, §§27-24-902,

27-24-903.

License plate options, §27-24-906.

Purpose, §27-24-901.

Transferability, §27-24-907.

**GENERAL ASSEMBLY.****House of representatives.**

Special license plates, §§27-24-701 to

27-24-706.

**License plates.**

Special license plates, §§27-24-701 to

27-24-706.

**Senate.**

Special license plates, §§27-24-701 to

27-24-706.

**Special license plates, §§27-24-701 to**

27-24-706.

**GOLF.****Arkansas state golf association.**

Special license plates, §§27-15-5101 to

27-15-5106.

**GOVERNOR.****License plates.**

Special license plates, §§27-24-801 to

27-24-804.

**Special license plates, §§27-24-801 to**

27-24-804.

**H****HAZARDOUS SUBSTANCES.****Administrative procedure.**

Transportation of hazardous materials.

Conformity with act, §27-2-108.



**HAZARDOUS SUBSTANCES —Cont'd**  
**Agriculture.**

- Transportation of hazardous materials.
- Farm vehicles.
- Exceptions as to prohibited acts,  
§27-2-103.

**Commercial drivers.**

- Licenses, §27-23-111.

**Definitions.**

- Transportation of hazardous materials,  
§27-2-102.

**Licenses.**

- Commercial drivers, §27-23-111.

**Pesticides or rodenticides.**

- Transportation.
- Exceptions.
- Persons engaged in application of,  
§27-2-103.

**Railroads.**

- Transportation of hazardous materials.
- No additional requirements imposed  
on railroads, §27-2-107.

**Rules and regulations.**

- Transportation of hazardous  
substances.
- Additional regulations authorized,  
§27-2-106.

**Transportation.**

- Adequate emergency equipment.
- Defined, §27-2-102.
- Administrative procedure.
- Conformity with act, §27-2-108.
- Carriers.
- Defined, §27-2-102.
- Citation of chapter, §27-2-101.
- Commission.
- Defined, §27-2-102.
- Definitions, §27-2-102.
- Enforcement of act, §27-2-105.
- Authority of personnel, §27-2-105.
- Farm vehicles.
- Exceptions, §27-2-103.
- Hazardous materials.
- Defined, §27-2-102.
- Immediate containers.
- Adequate immediate containers.
- Defined, §27-2-102.
- Labels.
- Labels providing adequate warning.
- Defined, §27-2-102.
- Misdemeanors, §27-2-104.
- Pesticides and rodenticides.
- Exceptions, §27-2-103.
- Prohibited acts.
- Enumeration, §27-2-103.
- Exceptions, §27-2-104.
- Railroads.
- No additional requirements imposed  
on railroads, §27-2-107.

**HAZARDOUS SUBSTANCES —Cont'd**  
**Transportation —Cont'd**

- Rules and regulations.
- Additional regulations authorized,  
§27-2-106.
- Conformity with administrative  
procedure act, §27-2-108.
- Short title of chapter, §27-2-101.
- Transport.
- Defined, §27-2-102.
- Violations, §27-2-104.
- Exceptions, §27-2-103.
- Misdemeanors, §27-2-104.
- Separate offenses, §27-2-104.

**Violations.**

- Prohibited acts enumerated,  
§27-2-103.

**HEARSE.**

- Flashing lights during procession,  
§27-36-306.

**Registration, §27-14-601.****HELMETS.****Motorcycles.**

- Requirement of protective headgear,  
§27-20-104.

**HENDERSON STATE UNIVERSITY.**

- Special license plates, §§27-24-1001 to  
27-24-1209.

**HIGHWAYS.****Definitions.**

- Highway and transportation act of  
1977, §27-1-103.

**Hazardous substances.**

- Transportation, §§27-2-101 to  
27-2-108.

**Highway and transportation act of  
1977.**

- Citation, §27-1-101.
- Commission.
- Defined, §27-1-103.
- Contracts.
- Domestic and foreign entities,  
§27-1-105.
- Declaration of policy, §27-1-102.
- Definitions, §27-1-103.
- Department.
- Defined, §27-1-103.
- Public transportation, §27-1-106.
- Director.
- Defined, §27-1-103.
- Federal aid.
- Powers necessary to obtain  
authorized, §27-1-105.
- Legislative declaration, §27-1-102.
- Legislative purpose, §27-1-102.
- Marine and aviation agencies.
- Cooperation, §27-1-104.

**HIGHWAYS —Cont'd****Highway and transportation act of 1977 —Cont'd**

- Public service commission.
- Powers and responsibilities not abrogated, §27-1-104.
- Public transportation.
  - Powers and duties of department, §27-1-106.
- Purpose of chapter, §27-1-102.
- Railroads.
  - Contracts in cooperation with domestic and foreign entities, §27-1-105.
  - State plan for rail transportation, §27-1-105.
- Rules and regulations.
  - Adoption by department, §27-1-107.
- Services.
  - Defined, §27-1-103.
- Short title, §27-1-101.
- State highway department.
  - Defined, §27-1-103.
- Transportation commission.
  - Powers and responsibilities unabrogated, §27-1-104.

**Railroads.**

- Highway and transportation act of 1977.
  - Cooperation and contracts with domestic and foreign entities to maintain or improve rail transportation, §27-1-105.
  - State plan for rail transportation, §27-1-105.

**Rules and regulations.**

- Highway and transportation act of 1977.
  - Adoption and promulgation by department, §27-1-107.

**State highway and transportation department.**

- Highway and transportation act of 1977, §§27-1-101 to 27-1-107.

**United States.**

- Highway and transportation act of 1977.
  - Federal aid.
    - Powers necessary to obtain federal aid, §27-1-105.

**HISTORIC OR SPECIAL INTEREST VEHICLES, §§27-15-2201 to 27-15-2209.****HOMELAND SECURITY.****Driver's license security and modernization act, §§27-16-1101 to 27-16-1109.****HOMICIDE.****Motor vehicles.**

- Drivers' licenses.
  - Manslaughter or negligent homicide.
    - Grounds for mandatory revocation of license, §27-16-905.
- Negligent homicide.
  - Grounds for mandatory revocation of licenses, §27-16-905.
- Seat belts.
  - Mandatory use of seat belts.
    - Noncompliance not considered as evidence in prosecution, §27-37-703.

**Negligent homicide.****Motor vehicles.**

- Drivers' licenses.
  - Grounds for mandatory revocation of licenses, §27-16-905.
- Seat belts.
  - Mandatory use of seat belts.
    - Noncompliance not considered as evidence in prosecution, §27-37-703.

**HORNS.****Motor vehicles, §27-37-202.****HOUSE MOVERS.****Permits, §27-35-309.****Size of houses.**

- Restrictions, §27-35-309.

**Stopping and directing traffic.**

- Persons issued permits to move houses, §27-35-310.

**I****IDENTIFICATION CARDS.****Fees, §27-16-805.****Motor vehicles.**

- Issuance to unlicensed drivers, §27-16-805.

**Selective service registration upon application, §27-16-507.****IMMUNITY.****Commercial drivers, drug and alcohol testing.**

- Immunity from liability for performance of duties under provisions, §27-23-211.

**Motor vehicles.**

- Size and weight of vehicles.
  - Person driving vehicle in excess of limit.
    - Liability for damage to highway or structure, §27-35-109.

**IMPUTED NEGLIGENCE.**

**Minor's negligence while operating motor vehicle,** §27-16-702.

**INCOMPETENT PERSONS.****Motor vehicles.**

Drivers' licenses.

Probate clerk to notify office when person declared incompetent, §27-16-505.

**IN GOD WE TRUST.**

**Special license plates,** §§27-15-4901 to 27-15-4908.

Authorized, §27-15-4901.

Compliance with other laws, §27-15-4907.

Fees, §§27-15-4902, 27-15-4903.

Fund, §27-15-4904.

Plate design, §27-15-4902.

Renewal, §27-15-4905.

Rulemaking authority, §27-15-4908.

**INSURANCE.****Manufactured homes.**

Oversized manufactured homes.

Definition of "insurance," §27-35-301.

Requirements for driver of pulling vehicle, §27-35-305.

**Motor vehicles.**

Premium taxes.

Reduction for certain persons completing accident prevention course, §27-19-608.

Uninsured motorists.

Liability insurance.

Unlawful to operate vehicle without, §27-22-104.

Penalty, §27-22-103.

**Penalties.**

Uninsured motorists, §27-22-103.

**Taxicabs.**

Liability insurance prerequisite to licensing, §27-14-1501.

Cancellation of policy.

Notice to insurance commissioner, §27-14-1501.

Violations of provisions.

Penalty, §27-14-1501.

**Underinsured motorists.**

Extension of policy coverage, §27-19-713.

**Uninsured motorists.**

Liability insurance.

Unlawful to operate vehicle without, §27-22-104.

Penalty, §27-22-103.

**INTERMEDIATE DRIVERS' LICENSES,** §27-16-804.

**Expiration and renewal,** §27-16-901.

**INTERNET.****Motor vehicles.**

Changes in state driving laws.

Website information, §27-14-609.

**INTERSTATE COMPACTS.**

**Driver's license compact,** §§27-17-101 to 27-17-106.

**Motor vehicles.**

Driver license compact, §§27-17-101 to 27-17-106.

Vehicle equipment safety compact, §§27-33-101 to 27-33-109.

**J**

**JOYRIDING,** §27-14-2207.

**JUDGMENTS.****Motor vehicles.**

Safety responsibility.

Defined, §27-19-701.

Nonpayment.

Discharge in bankruptcy, §27-19-708.

Exception to suspension provisions, §27-19-707.

Report, §27-19-706.

Payment of judgments.

Effect, §27-19-615.

Installment payments, §27-19-710.

Security following accident, §27-19-617.

Sufficient to satisfy requirements, §27-19-709.

Suspension of operating privileges, §27-19-707.

Default in installment payments, §27-19-710.

**K****KAPPA ALPHA PSI.**

**Special license plates, fraternities and sororities,** §§27-24-1201 to 27-24-1209.

**KOREAN WAR VETERANS.****Special license plates.**

Military service and veterans, §§27-24-201 to 27-24-208.



**L****LAWS.****Motor vehicles.**

Synopsis of laws.

Publication, §27-14-413.

**LEARNERS' LICENSES, §27-16-804.****Expiration and renewal, §27-16-901.****LICENSE PLATES.****Agricultural education, §§27-24-1101 to 27-24-1108.****Amateur radio operators.**

Special license plates, §§27-15-2401 to 27-15-2405.

**Antique motorcycles, §27-15-2307.****Antique motor vehicles, §§27-15-2203, 27-15-2209.****Arkansas Fallen Firefighters' Memorial.**

Special plate, §§27-15-5201 to 27-15-5206.

**Arkansas state game and fish commission, §§27-24-901 to 27-24-907.****Arkansas state golf association.**

Special plates, §§27-15-5101 to 27-15-5106.

**Campers.**

Buses converted to or equipped as campers, §27-15-4001.

**Colleges and universities.**

Agricultural education, §§27-24-1101 to 27-24-1108.

Collegiate license plates, §§27-24-1001 to 27-24-1108.

Fraternities and sororities, §§27-24-1201 to 27-24-1209.

**Commissioner of revenue to supply, §27-14-1303.****Constitutional officers, §§27-24-801 to 27-24-804.**

Issuance and transfer, §27-24-804.

Purpose, §27-24-801.

Reserved numbers, §27-24-803.

Special license plates authorized, §27-24-802.

**Deaf persons.**

Decal for deaf person, §27-15-101.

**Decals.**

Display, §27-14-1018.

Penalty for failure to display, §27-14-1005.

Tab or decal.

Defined, §27-14-1002.

**Definitions, §27-24-103.**

Public and military service recognition, §27-24-1302.

**LICENSE PLATES —Cont'd****Disabilities, individuals with.**

Deaf person's decal, §27-15-101.

Special license plates, §27-15-308.

Display, §27-15-310.

**Display of license tag for proper year alone, §27-14-717.**

Penalty for noncompliance, §27-14-717.

**Failure to affix or display.**

Misdemeanor, §27-14-1005.

**General assembly members,**

§§27-24-701 to 27-24-706.

Designated House and Senate staff, §§27-24-703, 27-24-704.

House members, §27-24-704.

Issuance and transfer, §27-24-706.

Purpose, §27-24-701.

Senate members, §27-24-703.

Special license plates, §27-24-702.

Taxes and fees, §27-24-705.

**Historic or special interest vehicles, §§27-15-2203, 27-15-2209.****In God We Trust license plates, §§27-15-4901 to 27-15-4901.****Issuance generally, §27-14-715.****Liability insurance.**

Failure to present proof of insurance coverage.

Removal of license plates, §27-22-104.

**Manufacturers.**

Manufactured homes, §§27-14-1901 to 27-14-1905.

Application, §27-14-1902.

Design of plates, §27-14-1904.

Fees, §27-14-1903.

Manufacturer defined, §27-14-1901.

Rules and regulations, §27-14-1905.

Special plates, §§27-14-1701 to 27-14-1707.

Application and issuance, §27-14-1702.

Expiration, §27-14-1703.

Operation of vehicles, §27-14-1701.

Suspension or revocation, §27-14-310.

**Military service and veterans, §§27-24-201 to 27-24-208.**

Additional special plates, §27-24-205.

Definitions, §27-24-203.

Existing special license plates, §27-24-204.

Fees and limitations, §27-24-206.

Purpose, §§27-24-201, 27-24-202.

Surviving spouse, §27-24-208.

Transferability, §27-24-207.

**LICENSE PLATES —Cont'd****Mobile homes.**

- Transporting motor homes by manufacturers, §§27-14-1901 to 27-14-1905.
- Application, §27-14-1902.
- Design, §27-14-1904.
- Fees, §27-14-1903.
- Manufacturer defined, §27-14-1901.
- Rules and regulations, §27-14-1905.

**Motorcycles.**

- Antique motorcycles, §27-15-2307.

**Motor vehicle dealers.**

- Drive-out tags, §§27-14-2101 to 27-14-2105.
- Authorized, §27-14-2102.
- Duration, §27-14-2103.
- Fees, §27-14-2104.
- Rules and regulations, §27-14-2105.
- Supplemental nature of act, §27-14-2101.
- Placards for vehicles in transit to dealers, §§27-14-1801 to 27-14-1808.
- Applicability of provisions, §27-14-1804.
- Trucks and trailers hauling cars, §27-14-1803.
- Cumulative effect of act, §27-14-1802.
- Display, §27-14-1805.
- Unlawful display, §27-14-1801.
- Fees, §27-14-1805.
- Disposition of fees, §27-14-1807.
- Rules and regulations, §27-14-1808.
- Violations of provisions, §27-14-1801.

- Special plates, §§27-14-1701 to 27-14-1707.

- Application for, §27-14-1702.
- Demonstration or repair customers, vehicles provided for, §27-14-1706.
- Expiration, §27-14-1703.
- Extra license plates, §27-14-1704.
- Fees, §§27-14-601, 27-14-603.
- Issuance, §27-14-1702.
- Operation under special plates, §27-14-1701.
- Required, §27-14-1701.
- Rulemaking authority, §27-14-1707.
- Suspension or revocation, §27-14-310.
- Temporary cardboard buyer's tags, §27-14-1705.
- Unlawful use of dealer's plates, §27-14-311.

**LICENSE PLATES —Cont'd****Nominal fee plates, §§27-24-601 to 27-24-612.**

- Additional special license plates, §27-24-604.
- Application fee, §27-24-605.
- Boy Scouts, §27-24-610.
- Civil air patrol, §27-24-611.
- Definitions, §27-24-602.
- Existing special license plates, §27-24-603.
- 4-H clubs, §27-24-608.
- Orphanages, §27-24-612.
- Purpose, §27-24-601.
- Religious organizations, §27-24-606.
- Volunteer rescue squads, §27-24-609.
- Youth group, §27-24-607.

**Obscuring readability, §27-14-716.****Permanent license plates.**

- Issuance, §§27-14-1007, 27-14-1008.
- Authority of commissioner, §27-14-1006.
- Replacement.
- Subject to replacement, §27-14-1006.

**Personalized plates.**

- Application for, §27-14-1102.
- Description, §27-14-1103.
- Fees, §27-14-1101.
- Issuance, §27-14-1009.
- Authorized, §27-14-1101.
- Priority for reordering, §27-14-1102.
- Rules and regulations, §27-14-1104.

**Proof of insurance required for issuance, §27-13-102.**

- Rulemaking, §27-13-103.

**Public and military service****recognition, §§27-24-1301 to 27-24-1311.**

- Additional public service plates with decals, §27-24-1307.
- Definitions, §27-24-1302.
- Emergency medical technicians, §27-24-1306.
- Financial accountability, §27-24-1310.
- Firefighters, §27-24-1303.
- Limitation on individual number, §27-24-1309.
- Professional firefighters, §27-24-1311.
- Purpose, §27-24-1301.
- Retired state troopers, §27-24-1304.
- Transferability, §27-24-1308.
- United States armed forces retired, §27-24-1305.

**Public use vehicles/federal government, §27-24-501.**

- Federal government exemption, §27-24-501.

**LICENSE PLATES —Cont'd****Public use vehicles/local**

**government**, §§27-24-301 to 27-24-306.

Applications, §§27-24-302, 27-24-304.

Cities and incorporated towns, §27-24-304.

Counties, §27-24-302.

County quorum courts, §27-24-303.

Expiration, §27-24-305.

Other public entities, §27-24-306.

Purpose, §27-24-301.

Validity, §27-24-305.

**Public use vehicles/state**

**government**, §§27-24-401, 27-24-402.

Purpose, §27-24-401.

State highway vehicles.

Metal plates required, §27-24-402.

**School buses.**

Buses converted to or equipped as campers, §27-15-4001.

**Search and rescue plates,**

§§27-15-3101 to 27-15-3103.

**Special interest license plates,**

§§27-24-1401 to 27-24-1408.

Annual report, §27-24-1407.

Application process, §§27-24-1403, 27-24-1404.

Existing license plates, §27-24-1402.

Expedited application process, §27-24-1403.

Issuance, §27-24-1405.

License plate options, §27-24-1406.

Purpose, §27-24-1401.

Realtors special plate, §27-24-1408.

Renewal, §27-24-1405.

Replacement, §27-24-1405.

**Special license plate act of 2005,**

§§27-24-101 to 27-24-1505.

Act general provisions, §§27-24-101 to 27-24-110.

Administrative review of adverse agency decision, §27-24-107.

Change of design, §27-24-106.

Citation of act, §27-24-101.

Compliance with other laws, §27-24-108.

Definitions, §27-24-103.

Design, §27-24-105.

Local fees prohibited, §27-24-110.

Penalties, §27-24-109.

Plate design, §§27-24-105, 27-24-106.

Public policy, §27-24-102.

Regulatory violations, §27-24-109.

Reissurance, §27-24-104.

Rulemaking authority, §27-24-104.

**LICENSE PLATES —Cont'd****Special license plate act of 2005**

—Cont'd

Act general provisions —Cont'd

Title of act, §27-24-101.

Agriculture education, §§27-24-1101 to 27-24-1108.

Amateur radio operators, §§27-15-2401 to 27-15-2405.

Antique motorcycles, §27-15-2307.

Arkansas Fallen Firefighters' Memorial, §§27-15-5201 to 27-15-5206.

Arkansas state game and fish commission, §§27-24-901 to 27-24-907.

Arkansas state golf association, §§27-15-5101 to 27-15-5106.

Collegiate license plates, §§27-24-1001 to 27-24-1108.

Constitutional officers, §§27-24-801 to 27-24-804.

Fraternities and sororities, §§27-24-1201 to 27-24-1209.

General assembly, §§27-24-701 to 27-24-706.

Historic or special interest vehicles, §27-15-2202.

In God We Trust, §§27-15-4901 to 27-15-4901.

Manufacturers, §§27-14-310, 27-14-1701 to 27-14-1707.

Military service and veterans, §§27-24-201 to 27-24-208.

Nominal fee plates, §§27-24-601 to 27-24-612.

Personalized plates, §§27-14-1101 to 27-14-1104.

Public and military service recognition, §§27-24-1301 to 27-24-1311.

Public use vehicles/federal government, §27-24-501.

Public use vehicles/local government, §§27-24-301 to 27-24-306.

Public use vehicles/state government, §§27-24-401, 27-24-402.

Search and rescue, §§27-15-3101 to 27-15-3103.

Special interest license plates, §§27-24-1401 to 27-24-1408.

Street rods, §§27-24-1501 to 27-24-1505.

Transporters, §§27-14-310, 27-14-1701 to 27-14-1707.

**Street rods**, §§27-24-1501 to 27-24-1505.



**LICENSE PLATES —Cont'd****Tab or decal.**

- Defined, §27-14-1002.
- Display, §§27-14-1005, 27-14-1018.
- Penalty for failure to display, §27-14-1005.

**Trailers.**

- Permanent trailer licensing act.
- Failure to display, §27-14-1204.
- Issuance of permanent plate, §27-14-1211.
- Reflectorized plates, §27-14-1212.

**Universities and colleges.**

- Agricultural education, §§27-24-1101 to 27-24-1108.
- Collegiate license plates, §§27-24-1001 to 27-24-1108.
- Fraternities and sororities, §§27-24-1201 to 27-24-1209.

**Unofficial plates.**

- Penalty for using or making, §27-14-305.

**Vanity plates, §§27-14-1101 to 27-14-1104.**

- Application, §27-14-1102.
- Description, §27-14-1103.
- Fees, §27-14-1101.
- Issuance, §27-14-1009.
- Authorized, §27-14-1101.
- Rules and regulations, §27-14-1104.

**Wreckers.**

- Distinctive license plates, §27-14-601.

**LICENSES.****Manufactured homes, §27-14-1602.**

- Fees, §27-14-1602.

**LIENS.****Motor vehicles.**

- Application and documents.
- Certification, §27-14-803.
- Filing, §27-14-803.
- Compliance with subchapter required, §27-14-801.
- Filing, §27-14-802.
- Constructive notice, §27-14-805.
- Index, §27-14-804.
- Methods provided in subchapter exclusive, §27-14-807.
- Notice.
- Filing constituting constructive notice, §27-14-805.
- Optional means of recording.
- Constructive notice, §27-14-806.
- Perfection of lien.
- Effective date, §27-14-805.
- Recordation.
- Optional means of recording, §27-14-806.

**LIENS —Cont'd****Motor vehicles —Cont'd**

- Release, §27-14-909.
- Security interest attaching in another jurisdiction, §27-14-802.
- Transfer of title.
- Assignment, §27-14-908.
- Release, §27-14-909.

**LIEUTENANT GOVERNOR.****Special license plates, §§27-24-801 to 27-24-804.****LIGHTS.****Fires and fire prevention.**

- Red flashing or rotating lights.
- Fire department vehicles, §27-36-304.

**LITTER CONTROL.****Motor vehicles.**

- Driver education manual.
- Information to be included, §27-18-108.

**LOCAL GOVERNMENTS.****Motorcycles.**

- Traffic regulations authorized, §27-20-115.

**M****MAIL.****Motor vehicles.**

- Registration.
- Application, §27-14-1012.
- Renewal, §27-14-1013.

**MANUFACTURED HOMES.****Affixing to real property, §27-14-1603.****Bonds, surety.**

- Payment of fees on monthly basis, §27-35-307.

**Bridges.**

- Restrictions on transportation, §27-35-306.

**Definitions, §§27-14-207, 27-14-1601, 27-14-1901, 27-35-301.****Fees.**

- Manufacturers.
- License plates to transport motor homes, §27-14-1903.

**Insurance.**

- Definition of "insurance," §27-35-301.
- Requirements for driver of pulling vehicle, §27-35-305.

**Licenses, §27-14-1602.**

- Fees, §27-14-1602.

**Manufacturers.**

- Defined, §27-14-1901.

**MANUFACTURED HOMES —Cont'd****Manufacturers —Cont'd**

- License plates to transport motor homes.
- Application, §27-14-1902.
- Definition of manufacturer, §27-14-1901.
- Design, §27-14-1904.
- Fees, §27-14-1903.
- Rules and regulations, §27-14-1905.

**Permits.**

- Fees, §27-35-304.
- Bonds for payment of fees on monthly basis, §27-35-307.
- Disposition, §27-35-308.
- Homes which may be moved without permit, §27-35-302.
- Obtained from weigh stations, §27-35-304.
- Person who may obtain permits, §27-35-305.

**Registration.**

- Manufacturers.
- License plates, §§27-14-1901 to 27-14-1905.

**Rules and regulations, §27-35-303.**

- Manufacturers.
- License plates to transport motor homes, §27-14-1905.
- Oversized manufactured homes, §27-35-303.

**Stopping and directing traffic.**

- Persons issued permits to move manufactured homes, §27-35-310.

**Transportation.**

- Times and places for moving, §27-35-306.

**MEDAL OF HONOR RECIPIENTS.****Special license plates.**

- Military service and veterans, §§27-24-201 to 27-24-208.

**MEMORIALS.****Arkansas Fallen Firefighters'****Memorial.**

- Special license plates, §§27-15-5201 to 27-15-5206.

**MENTAL HEALTH.****Motor vehicles.**

- Drivers' licenses.
- Mentally ill persons not to be licensed, §27-16-604.

**MERCHANT MARINE.****Special license plates.**

- Military service and veterans, §§27-24-201 to 27-24-208.

**MILITARY AFFAIRS.****License plates.**

- Special license plates.
- Military service and veterans, §§27-24-201 to 27-24-208.
- Public and military service recognition, §§27-24-1301 to 27-24-1311.

**Motor vehicles.**

- Drivers' licenses.
- Exemptions from licensing, §27-16-603.
- Expiration.
- Extension of expiration date for servicemen, §27-16-902.
- Issuance without examination to person licensed by armed services, §27-16-807.

**Special license plates.**

- Military service and veterans, §§27-24-201 to 27-24-208.
- Public and military service recognition, §§27-24-1301 to 27-24-1311.

**MILITARY RESERVISTS.****Special license plates.**

- Military service and veterans, §§27-24-201 to 27-24-208.

**MINORS.****Car seats.**

- Child passenger protection, §§27-34-101 to 27-34-108.

**Child passenger protection,**

- §§27-34-101 to 27-34-108.

**Drivers' licenses, §27-16-702.**

- Cancellation of license.
- Death of person signing minor's application, §27-16-904.
- Liability, §§27-16-702, 27-16-703.
- Permitting unauthorized minor to drive, §27-16-304.
- Restricted licenses generally, §27-16-804.
- Suspension, §27-16-914.

**Motorcycles.****Sales.**

- Certain sales prohibited, §27-20-103.
- Young children as passengers, §27-20-118.

**Motor vehicles.**

- Child passenger protection, §§27-34-101 to 27-34-108.

**Restraining devices in motor vehicles.**

- Child passenger protection, §§27-34-101 to 27-34-108.

**MIRRORS.**

**Motor vehicles**, §27-37-305.

**MOTOR CARRIERS.**

**Commercial drivers generally**,  
§§27-23-101 to 27-23-128.

**MOTORCYCLES.**

**Antique motorcycles**, §§27-15-2301 to 27-15-2307.

Defined, §27-15-2301.

License plates, §27-15-2307.

Ownership requirements, §27-15-2303.

Registration, §27-15-2304.

Fee, §27-15-2304.

Reproduction or facsimile of antique motorcycle, §27-15-2302.

Transfer, §27-15-2305.

Use, §27-15-2306.

**Brakes.**

Required, §27-20-104.

**Certificate of title.**

Three, four or six wheeled all-terrain cycles, §27-20-205.

**Defined**, §§27-14-207, 27-20-101.

**Education.**

Operator instruction, §27-20-109.

**Equipment**, §27-20-104.

**Examinations.**

Certificate to operate motorized bicycle, §27-20-111.

License applicants, §27-20-108.

**Exemption from act.**

Vehicles operated on farm or private property, §27-20-116.

**Fees.**

Registration, §27-14-601.

Antique motorcycles, §§27-15-2304, 27-15-2307.

**Helmets.**

Requirement of protective headgear, §27-20-104.

**Highways.**

Motorized bicycles.

Operation on interstate highways, §27-20-111.

**License plates.**

Personalized plates.

Applications, §27-14-1102.

Fees, §27-14-1101.

Issuance, §27-14-1101.

Priority for reordering, §27-14-1102.

**Licenses.**

Motorcycle operators' licenses.

Applications, §27-20-107.

Examinations, §27-20-108.

Issuance, §27-20-107.

Period of license, §27-20-107.

**MOTORCYCLES —Cont'd****Licenses —Cont'd**

Motorcycle operators' licenses —Cont'd

Required for persons 16 years of age or older, §27-20-106.

Revocation after convictions, §27-20-113.

Report of convictions, §27-20-112.

Motor-driven cycle license, §27-20-106.

Automatic issuance of motorcycle operator's license.

Holders reaching age sixteen, §27-20-117.

**Lights.**

Requirements, §27-20-104.

**Local governments.**

Traffic regulations authorized, §27-20-115.

**Manner of riding**, §27-20-110.

**Minors.**

Sales.

Certain sales prohibited, §27-20-103.

Young children as passengers, §27-20-118.

**Motor-driven cycles.**

Defined, §27-20-101.

Equipment, §27-20-104.

**Motorized bicycles.**

Certificate to operate.

Examination, §27-20-111.

Required, §27-20-111.

Defined, §27-20-101.

Equipment, §27-20-104.

Interstate highways or limited access highways.

Operation prohibited, §27-20-111.

Operation in certain places prohibited, §27-20-111.

Sidewalks.

Operation of motorized bicycles prohibited, §27-20-111.

**Nitrous oxide prohibition,**

§§27-37-801 to 27-37-803.

**Passengers.**

Equipment, §27-20-104.

Manner of riding, §27-20-110.

Young children as passengers, §27-20-118.

**Penalties.**

Violations of provisions, §27-20-102.

**Registration**, §27-20-105.

Antique motorcycles, §27-15-2304.

Fee, §27-15-2304.

Ownership requirements, §27-15-2303.

Reproduction or facsimile of antique motorcycle, §27-15-2302.

Transfer, §27-15-2305.



**MOTORCYCLES —Cont'd****Registration —Cont'd**

- Convictions of license holders,  
§27-20-112.
- Expiration, §27-20-105.
- Fees, §27-14-601.
- Renewal, §27-20-105.
- Rules and regulations, §27-20-114.

**Rules and regulations.**

- Registration, §27-20-114.

**Sales.**

- Minors.
- Certain sales prohibited, §27-20-103.

**Special plates.**

- Personalized plates.
- Applications, §27-14-1102.
- Fees, §27-14-1101.
- Issuance, §27-14-1101.
- Priority for reordering, §27-14-1102.

**Violations of provisions.**

- Penalties, §27-20-102.

**MOTOR VEHICLE ACCIDENTS.****Commercial drivers.**

- Leaving the scene of an accident.
- Misdemeanor, §27-23-114.

**Reports.**

- Additional information, §27-19-507.
- Confidentiality, §27-19-510.
- Contents, §27-19-502.
- Erroneous report, §27-19-303.
- Evidence, §27-19-621.
- Failure to report.
- Penalty, §27-19-302.
- Suspension of license, §27-19-508.
- Incapacity to make report, §27-19-509.
- Insurance report, §27-19-503.
- Required, §27-19-501.

**Security following accidents,**

- §§27-19-601 to 27-19-621.
- Adjudication of nonliability,  
§27-19-614.
- Agreements for payment of damages,  
§27-19-612.
- Amount of security, §27-19-607.
- Adjustment, §27-19-609.
- Department to determine,  
§27-19-603.
- Applicability of provisions,  
§§27-19-601, 27-19-602.
- Correction of actions of department,  
§27-19-620.
- Covenant not to sue.
- Release of parties from  
requirements, §27-19-613.
- Coverage.
- Designation of persons covered,  
§27-19-606.

**MOTOR VEHICLE ACCIDENTS****—Cont'd****Security following accidents —Cont'd**

- Death or bodily injury resulting from  
accident.
- Applicability generally, §27-19-601.
- Designation of persons covered,  
§27-19-606.
- Disposition of security, §27-19-617.
- Driver or owner.
- Applicability of provisions,  
§27-19-602.
- Evidence.
- Matters not to be evidence in civil  
suits, §27-19-621.
- Exceptions to requirement, §27-19-604.
- Requirements as to policy or bond,  
§27-19-605.
- Failure to deposit security.
- Suspension upon, §27-19-610.
- Forfeiture when not claimed within  
five years, §27-19-619.
- Form of security, §27-19-607.
- Notice.
- Amount of security required,  
§27-19-603.
- Property damage resulting from  
accident.
- Applicability generally, §27-19-601.
- Release from liability, §27-19-613.
- Adjudication of nonliability,  
§27-19-614.
- Agreements for payment of  
damages, §27-19-612.
- Termination of security  
requirements, §27-19-616.
- Return of deposit, §27-19-618.

**MOTOR VEHICLE DEALERS.****Appeals.**

- Revocation of dealer's license,  
§27-14-311.

**Certificates of title.**

- Applications.
- Processing, §27-14-906.
- Applications for title certificates made  
by dealers, §27-14-906.
- Transfer of title.
- Title retention note.

- Use to secure interest unlawful,  
§27-14-903.

**Definitions, §27-14-205.****Disclosure of damage and repair,**

- §§27-14-2301 to 27-14-2307.

**Drive-out tags.**

- Authorized, §27-14-2102.
- Duration, §27-14-2103.
- Fees, §27-14-2104.

**MOTOR VEHICLE DEALERS**

—Cont'd

**Drive-out tags —Cont'd**

- Period of validity, §27-14-2103.
- Rules and regulations, §27-14-2105.
- Supplemental nature of act, §27-14-2101.

**Licenses.**

- Applications.
  - Dealers' licenses, §27-14-2001.

Issuance.

- Dealer's licenses, §27-14-2002.

New vehicles loaned by dealers.

- Exemption for license fees, §27-15-4002.

Records to be maintained.

- Dealers, §27-14-2003.

Required.

- Dealers' licenses, §27-14-2001.

Revocation or suspension.

Appeals.

- Dealers' licenses, §27-14-311.
- Unlawful use of dealers' plates, §27-14-311.

**New motor vehicles.**

Loaned to school district by dealers.

- Exemption for license fees, §27-15-4002.

Motor vehicle event data recorders, §27-37-103.

**Placards for vehicles in transit to dealers, §§27-14-1801 to 27-14-1808.**

- Applicability of provisions, §27-14-1804.

Trucks and trailers hauling cars, §27-14-1803.

Cumulative effect of act, §27-14-1802.

Display, §27-14-1805.

- Unlawful display, §27-14-1801.

Fees, §27-14-1805.

- Disposition of fees, §27-14-1807.

Rules and regulations, §27-14-1808.

Violations of provisions, §27-14-1801.

**Registration of motor vehicles.**

- Applications for registration, §27-14-906.

Special plates, §§27-14-1701 to 27-14-1707.

- Fees, §27-14-601.

Suspension or revocation, §27-14-310.

Unlawful use of dealer's plates.

- Revocation of license, §27-14-311.

**School districts.**

New vehicles loaned by dealers.

- Exemption for taxes and license fees, §27-15-4002.

**MOTOR VEHICLE DEALERS**

—Cont'd

**Transfer of title.**

Applications for title certificates made by dealers, §27-14-906.

Title retention notes.

Used to secure interest in vehicle.

- Unlawful, §27-14-903.

Transfers to dealers.

- Requirements as to, §27-14-904.

**MOTOR VEHICLE EVENT DATA RECORDERS, §27-37-103.****Ownership of data, §27-37-103.****MOTOR VEHICLE INSURANCE. Database, §27-14-414.****Driving while intoxicated.**

Administrative suspension or revocation of driver's license.

Cancellation or refusal to renew policy solely because of.

- Prohibited, §27-22-106.

**Liability insurance.**

Applicability of chapter, §27-22-101.

Construction of chapter, §27-22-102.

Coverage.

- Minimum coverage, §27-22-104.

Driving while intoxicated.

Administrative suspension or revocation of driver's license.

Cancellation or refusal to renew policy solely because of.

- Prohibited, §27-22-106.

Inadequate insurance during an accident, §27-22-105.

Legislative intent, §27-22-101.

License plates.

- Removal on failure to present proof of insurance coverage, §27-22-104.

Minimum coverage, §27-22-104.

Penalties.

- Violations of chapter, §27-22-103.

Registration.

- Suspension for noncompliance, §27-22-104.

Reports by companies providing, §27-22-107.

Required, §27-22-104.

Uninsured motorists, §§27-22-103, 27-22-104.

Violation of chapter.

- Penalties, §27-22-103.

**Premium taxes.**

Reduction for certain persons completing accident prevention course, §27-19-608.

**MOTOR VEHICLE INSURANCE**

—Cont'd

**Premium taxes —Cont'd**

Reduction for completion of accident prevention course, §27-19-608.

**Proof of financial responsibility for the future.**

Certificate of insurance, §27-19-712.

Cancellation, return or waiver of proof, §27-19-721.

Liability policy, §27-19-713.

Policies not affected, §27-19-715.

**Rental vehicles.**

Drivers' licenses.

Duties of persons renting motor vehicle to another, §27-16-605.

**Safety responsibility.**

Accident prevention course.

Reduction in premiums upon completion of course, §27-19-608.

Accidents.

Reports.

Execution, §27-19-505.

Failure of insurance carrier to file, §27-19-506.

Proof of insurance, §27-19-504.

Assigned risk plans, §27-19-106.

Appeals, §27-19-106.

Exceptions.

Security following accident, §27-19-604.

Requirements as to policy or bond, §27-19-605.

Vehicles insured under other laws, §27-19-105.

Premiums.

Reduction in premiums upon completion of accident prevention course, §27-19-608.

Self insurers, §27-19-107.

Senior citizens.

Reduction in premiums upon completion of accident prevention course, §27-19-608.

**Underinsured motorists.**

Extension of policy coverage, §27-19-713.

**Uninsured motorists.**

Liability insurance.

Unlawful to operate vehicle without, §27-22-104.

Penalties, §27-22-103.

**Vehicle insurance database,**

§27-14-414.

**MOTOR VEHICLE REGISTRATION.**

**Alternate registration procedures,** §27-14-607.

**MOTOR VEHICLE REGISTRATION**

—Cont'd

**Ambulances,** §27-14-601.

**Antique motorcycles,** §27-15-2304.

Fee, §27-15-2304.

Reproduction or facsimile of antique motorcycle, §27-15-2302.

Transfer, §27-15-2305.

**Antique motor vehicles,** §27-15-2202.

**Applicability of provisions,** §27-14-201.

**Applications,** §27-14-705.

Authority to grant or refuse, §27-14-409.

Bonds, surety, §27-14-409.

False or fraudulent statements.

Grounds for refusing registration, §27-14-710.

Foreign vehicles, §27-14-707.

Fraud.

Penalty, §27-14-303.

Information required of applicants, §27-14-1016.

Tax information, §27-14-1015.

In person or by mail, §27-14-1012.

Lienholders, §27-14-906.

Processing, §27-14-409.

Reconstructed vehicles, §27-14-707.

Specially constructed vehicles, §27-14-707.

**Certificates of registration.**

Contents, §27-14-713.

Display, §27-14-1010.

Issuance, §§27-14-713, 27-14-1010.

Return of certificate by owner, §27-14-312.

**Change of address.**

Report to commissioner, §27-14-1019.

**Citation of chapter.**

Short title, §27-14-101.

**Commercial vehicle temporary registration tag.**

Authorized, §27-14-1306.

Fee, §27-14-1306.

Period of validity, §27-14-1306.

Rules and regulations, §27-14-1306.

Supplemental nature of act, §27-14-1306.

**Construction and interpretation.**

Uniformity of interpretation, §27-14-102.

**Credit cards.**

Payment of fees, §27-14-608.

**Deaf persons.**

License plate decal for deaf person, §27-15-101.

**Dealers.**

Applications for registration, §27-14-906.



**MOTOR VEHICLE REGISTRATION**

—Cont'd

**Dealers —Cont'd**

Special plates, §§27-14-1701 to 27-14-1707.

Fees, §27-14-601.

Suspension or revocation, §27-14-310.

Unlawful use of dealer's plates.

Revocation of license, §27-14-311.

**Definitions, §27-14-1002.**

Trailers.

Permanent trailer licensing act, §27-14-1202.

**Destruction of motor vehicle.**

Allowance on new license, §27-14-605.

**Dismantling or wrecking.**

Owner dismantling or wrecking vehicle to return evidences of registration, §27-14-912.

Suspension or revocation of registration.

Authorized when registered vehicle dismantled or wrecked, §27-14-308.

**Enumeration of vehicle subject to registration, §27-14-703.****Escort vehicles for overlength vehicles, §27-35-208.****Exclusive nature of provisions.**

No other license required, §27-14-702.

**Expiration, §27-14-601.**

Application for renewal, §27-14-718.

Transfer of title.

Transfer by operation of law, §27-14-907.

**Facsimile machines.**

Renewal, §§27-14-1011, 27-14-1013.

**Failure to register.**

Additional penalties, §27-14-314.

**Fees, §§27-14-601, 27-14-602.**

Antique motorcycles, §27-15-2304.

Calculation of fees, §27-14-1017.

Commercial vehicle temporary registration tags, §27-14-1306.

Credit card.

Payment by, §27-14-608.

Disposition of fees, §27-14-606.

Drive-out tags, §27-14-2104.

Foreign registration.

Registration of motor vehicles registered in foreign state.

Time for payment of fee, §27-14-704.

Historic or special interest vehicles, §§27-15-2202, 27-15-2209.

Operation of vehicle on public road without having paid fees.

Penalty, §27-14-601.

**MOTOR VEHICLE REGISTRATION**

—Cont'd

**Fees —Cont'd**

Payment.

Evidence of payment.

Tab or decal, §27-14-1018.

Personalized license plates, §27-14-1101.

Issuance, §27-14-1009.

Placards for vehicles in transit to dealers, §27-14-1805.

Refunds.

International registration plan.

Proportionate refund, §27-14-504.

Renewal.

Payment of fee, §27-14-1013.

School buses converted to or equipped as campers, §27-15-4001.

Six month license when annual fee is one hundred dollars or more, §27-14-709.

Special numbered license plate service fee, §27-14-603.

Trailers, §27-14-601.

Permanent trailer licensing act.

Calculations, §27-14-1210.

Issuance of decal, §27-14-1215.

Trucks, §27-14-601.

Two year renewal period, §27-14-607.

Vehicles for hire.

Transfer, §27-14-915.

When fees returnable, §27-14-604.

**Foreign registration.**

Registration of motor vehicles registered in foreign state.

Applications, §27-14-707.

Fees.

Time for payment, §27-14-704.

Reciprocity.

Provisions operative as to states having reciprocal legislation, §27-14-704.

When required, §27-14-704.

**Fraud.**

Applications for registration, §27-14-303.

False evidences of title or registration.

Prohibited acts, §27-14-307.

**Hearses, §27-14-601.****Highway commission.**

Right to vary load limit on roads not affected, §27-14-1302.

**Historic or special interest vehicles, §27-15-2202.****Improper use of evidences of registration, §27-14-306.**

**MOTOR VEHICLE REGISTRATION**

—Cont'd

**Insurance.**

Liability insurance.

Suspension of registration for noncompliance, §27-22-104.

Proof required for issuance of license plate, §27-13-102.

Rulemaking, §27-13-103.

**International registration plan.**

Proportionate refund of registration fees.

Amount.

Computation, §27-14-504.

Authorized, §27-14-504.

Computation of amount of refund, §27-14-504.

Conditions, §27-14-504.

Rules and regulations, §27-14-504.

**Liens.**

Application by lienholders for registration, §27-14-906.

**Loads.**

Gross weight for which registered.

Insertion in registration card for certain vehicles, §27-35-107.

**Mail.**

Applications, §27-14-1012.

**Manufactured homes, §27-14-1602.**

Affixing to real estate, §27-14-1603.

Manufacturers.

License plates, §§27-14-1901 to 27-14-1905.

**Mobile homes, §27-14-1602.**

Manufacturers.

License plates, §§27-14-1901 to 27-14-1905.

**Monthly-series basis, §27-14-1011.****Nonresidents.**

When nonresidents to obtain state registration and license, §27-14-723.

**Notice.**

Annual notification of requirements, §27-14-1021.

Expiration of registration, §27-14-1012.

**Operation of vehicles without evidences of registration.**

Misdemeanor, §27-14-304.

**Penalties.**

Additional penalties, §27-14-314.

Display of license tag for proper year alone.

Noncompliance with provisions, §27-14-717.

Disposition of fines and forfeitures, §§27-14-313, 27-14-314.

**MOTOR VEHICLE REGISTRATION**

—Cont'd

**Penalties —Cont'd**

Failure to register.

Driving vehicle more than 60 days after period for registering.

Additional penalties, §27-14-314.

Fees.

Operation of vehicles on public roads without paying fees, §27-14-601.

Felonies, §27-14-302.

Fraudulent applications, §27-14-303.

Fraudulent tax receipts, §27-14-1015.

Misdemeanors, §27-14-301.

Noncompliance with provisions, §27-14-1004.

Unofficial plates.

Making or using, §27-14-305.

Violations of action, §27-14-1301.

**Period of registration, §27-14-601.****Permanent automobile licensing act of 1967.**

Applicability of act.

Vehicles subject to provisions, §27-14-1003.

Citation of chapter.

Short title, §27-14-1001.

General provisions, §§27-14-1001 to 27-14-1021.

**Reciprocity.**

Agreements as to allocation and apportionment of registration pursuant to formula, §27-14-502.

Commission to make reciprocal agreements.

Agreements as to allocation and apportionment of registration pursuant to formula, §27-14-502.

Creation of commission, §27-14-501.

Registration of motor vehicles registered in foreign state.

Provisions operative as to states having reciprocal legislation, §27-14-704.

**Reconstructed vehicles.**

Applications, §27-14-707.

**Records.**

Examination of records, §27-14-711.

Indexes, §27-14-712.

**Refusal.**

Authority to grant or refuse, §27-14-409.

Grounds, §27-14-710.

**Renewal.**

Applications, §27-14-718.

Forms.

Mailing by commissioner, §27-14-1014.

**MOTOR VEHICLE REGISTRATION**

—Cont'd

**Renewal —Cont'd**

Applications —Cont'd

In person or by mail, §27-14-1012.

Facsimile machines, §27-14-1013.

Fee.

Payment, §27-14-1013.

Periods, §27-14-1011.

Procedure, §27-14-1013.

**Reports.**Annual report of commissioner,  
§27-14-1305.**Required, §§27-14-701, 27-14-703.**

Exceptions, §27-14-703.

**Rules and regulations, §27-14-1304.**

Amateur radio operators.

Special license plates, §27-15-2404.

Commercial vehicle temporary  
registration tags, §27-14-1306.Permanent automobile licensing act of  
1967.Enforcement of provisions of  
chapter, §27-14-1020.Personalized license plates,  
§27-14-1104.

Trailers.

Permanent trailer licensing act,  
§27-14-1218.Transfer of license and registration,  
§27-14-914.**Safety responsibility.**

Registration defined, §27-19-213.

Suspension.

Agreements for payment of  
damages, §27-19-612.

Duration, §27-19-611.

Failure to return registration,  
§27-19-305.Operating motor vehicle while  
registration suspended,  
§27-19-304.Proof of financial responsibility,  
§§27-19-703, 27-19-704.Nonpayment of judgments,  
§§27-19-707, 27-19-710.Security following accident,  
§27-19-610.Surrender of registration,  
§27-19-306.Transfer of registration to defeat  
purpose of act, §27-19-307.**School buses.**Buses converted to or equipped as  
campers, §27-15-4001.**Seizure of documents and plates,  
§27-14-406.****MOTOR VEHICLE REGISTRATION**

—Cont'd

**Specially constructed vehicles.**

Applications, §27-14-707.

**Suspension or revocation.**Failure to pay taxes on or assess  
personalty, §27-14-309.

Grounds, §27-14-308.

Failure to pay taxes on or assess  
personalty, §27-14-309.Return of evidences of registration  
upon, §27-14-312.**Tab or decal.**

Affixing, §27-14-1018.

Penalty for failure to affix,  
§27-14-1005.

Defined, §27-14-1002.

Display, §27-14-1018.

Penalty for failure to display,  
§27-14-1005.

Issuance.

Annual issuance, §27-14-1018.

**Taxation.**Proof of filing personal property  
assessment and tax receipt  
showing payment.Required for permanent plates,  
§27-14-1015.Proof of payment of personal property  
tax and listing for assessment of  
personal property.Required for permanent plates,  
§27-14-1015.**Temporary permit pending  
registration, §27-14-708.**

Affidavit, §27-14-2402.

Commercial vehicles, §27-14-1306.

Effect of temporary permit,  
§27-14-2403.

Rules and regulations, §27-14-2404.

**Time for obtaining state registration  
and license, §27-14-723.****Title of chapter.**

Short title, §27-14-101.

**Transfer of title.**Expiration of registration, §27-14-902.  
Transfer by operation of law,  
§27-14-907.

Forms.

Furnished by commissioner of  
revenue, §27-14-914.New owner must secure new  
registration, §27-14-903.Transfer by operation of law,  
§27-14-907.When department to reregister  
vehicle, §27-14-910.



**MOTOR VEHICLE REGISTRATION**

—Cont'd

**Transfer of title** —Cont'd

Removal of plates and stickers,  
§27-14-902.

Rules and regulations, §27-14-914.

Transfer by operation of law,  
§27-14-907.

Vehicles for hire.

Cancellation of original registrations  
on transfer, §27-14-915.

Fee, §27-14-915.

**Transporters.**

Special plates, §§27-14-1701 to  
27-14-1707.

Suspension or revocation,  
§27-14-310.

**Trucks.**

Fees, §27-14-601.

**Two year renewal period, §27-14-607.****Unofficial plates.**

Using or making, §27-14-305.

**Vehicle identification numbers  
(VIN).**

Application for registration to  
accompany verification,  
§27-14-725.

Limited verification by state police,  
§27-14-725.

**MOTOR VEHICLES.****Ambulances.**

Registration fee, §27-14-601.

**Antifreeze.**

Color.

Requirements, §27-38-104.

Containers.

Marking, §27-38-104.

Definitions, §27-38-101.

Exemptions from act, §27-38-103.

Penalties.

Violations of provisions, §27-38-102.

Records.

Sales, §27-38-105.

**Antique motor vehicles, §§27-15-2201  
to 27-15-2209.**

Assemblage of vehicle, §27-15-2204.

Collector.

Defined, §27-15-2201.

Equipment, §27-15-2205.

Fees, §§27-15-2202, 27-15-2209.

Historic or special interest vehicle.

Defined, §27-15-2201.

License plate, §§27-15-2203,  
27-15-2209.

Limitations on use, §27-15-2206.

Parts car.

Defined, §27-15-2201.

**MOTOR VEHICLES** —Cont'd**Antique motor vehicles** —Cont'd

Registration, §27-15-2202.

Restored to original specifications,  
§27-15-2203.

Sale or transfer, §27-15-2208.

Storage regulation, §27-15-2207.

**Black boxes.**

Motor vehicle event data recorders,  
§27-37-103.

**Brake fluid.**

Specifications.

Amendment or change, §27-38-203.

Conformity required, §27-38-202.

Establishment, §27-38-203.

Label requirements, §27-38-204.

**Brakes.**

Equipment required, §27-37-501.

Motorcycles.

Required, §27-20-104.

Performance ability, §27-37-502.

**Cemeteries.**

Exclusion of motor vehicles from  
cemeteries.

Authorized, §27-14-702.

**Certificates of title.**

Applications, §27-14-705.

Fraud.

Penalty, §27-14-303.

Processing, §27-14-409.

Certificates of registration.

Display, §§27-14-714, 27-14-1010.

Lost or damaged certificates.

Duplicates, §27-14-720.

Signing, §27-14-714.

Trucks.

Requirements unaffected,  
§27-14-714.

Contents, §27-14-713.

Disclosure of damage and repair.

Applicability of provisions.

Exceptions, §27-14-2305.

Definitions, §27-14-2301.

Insurer surrender of title for salvage  
vehicle, §27-14-2302.

Requirements as to disclosure,  
§27-14-2303.

Rules and regulations, §27-14-2307.

Sales or use tax.

Exemptions from, §27-14-2306.

Salvage title, issuance, §27-14-2302.

Unfair or deceptive acts or practices.

Violations of provisions,  
§27-14-2304.

Dismantling or wrecking.

Owner dismantling or wrecking  
vehicle to return certificate,  
§27-14-912.

**MOTOR VEHICLES —Cont'd****Certificates of title —Cont'd**

Dismantling or wrecking —Cont'd

Sale of motor vehicle to be dismantled.

Assignment of certificate of title to purchaser, §27-14-913.

Distinguishing numbers.

Assignment of new numbers, §27-14-721.

Engines.

Change of engines.

Regulations governing, §27-14-722.

Issuance, §27-14-713.

Renewal.

No renewal required, §27-14-719.

Required, §27-14-701.

Seizure by office, §27-14-406.

Street rods, §27-24-1504.

Transfer of title.

Expiration, §27-14-902.

Failure to deliver certificate.

Penalties, §27-14-901.

Improperly assigned titles which fail to identify transferees.

Requirements of persons in possession, §27-14-901.

New owner must secure new certificate of title, §27-14-903.

Transfer by operation of law, §27-14-907.

When department to issue new certificate, §27-14-910.

Trucks.

Certificates of registration.

Requirements unaffected, §27-14-714.

Vehicle identification numbers (VIN).

Application for registration to accompany verification, §27-14-725.

**Chauffeurs.**

Bribery.

Bonus, discount or other considerations for purchase of supplies or parts, §27-14-2209.

Use of motor vehicle without owner's consent.

Prohibited, §27-14-2208.

**Child passenger protection,**

§§27-34-101 to 27-34-108.

Actions.

Noncompliance not evidence of negligence and not admissible at trial, §27-34-106.

Child passenger protection fund.

Created, §27-34-107.

**MOTOR VEHICLES —Cont'd****Child passenger protection —Cont'd**

Exceptions, §27-34-105.

Seat belt exception, §27-34-104.

Legislative intent, §27-34-102.

Negligence.

Noncompliance not evidence of negligence, §27-34-106.

Penalties, §27-34-103.

Public safety fund, §27-34-108.

Requirements, §27-34-104.

Short title of chapter, §27-34-101.

**Commercial vehicles.**

Temporary registration tag, §27-14-1306.

**Compacts.**

Driver license compact, §§27-17-101 to 27-17-106.

Vehicle safety compact, §§27-33-101 to 27-33-109.

**Controlled substances.**

Drivers' licenses.

Suspension of driving privilege, §27-16-915.

**Cutouts, §27-37-602.****Dismantling or wrecking.**

Certificates of title.

Owner dismantling or wrecking vehicle to return certificate, §27-14-912.

Sale of motor vehicle to be dismantled.

Assignment of certificate of title to purchaser, §27-14-913.

Licenses.

Applications, §27-14-2001.

Issuance, §27-14-2002.

Records to be maintained, §27-14-2003.

Required, §27-14-2001.

Registration.

Owner dismantling or wrecking vehicle to return evidences of registration, §27-14-912.

Sale of motor vehicle to be dismantled, §27-14-913.

**Distinguishing numbers.**

Altering or changing, §27-14-2211.

Mutilation.

Penalty, §27-14-2212.

Prohibited, §27-14-2212.

Stolen and recovered vehicles.

Use authorized by court, §27-14-2212.

New numbers, assignment, §27-14-721.

Vehicles without.

Misdemeanor, §27-14-2210.

**MOTOR VEHICLES —Cont'd****Drugs.**

- Drivers' licenses.
- Habitual users of narcotic drugs not to be licensed, §27-16-604.
- Revocation.
- Driving under influence.
- Grounds for mandatory revocation, §27-16-905.

**Education.**

- Driver education, §§27-18-101 to 27-18-108.
- Drivers' licenses.
- Application for instruction permit, requirements, §27-16-701.

**Emergency vehicles.**

- Lights.
- Amber flashing or rotating lights, §27-36-305.
- Flashing lights, §27-37-202.

**Engines.**

- Certificates of title.
- Change of engines.
- Regulations governing, §27-14-722.
- Mutilation of serial numbers.
- Penalty, §27-14-2212.
- Prohibited, §27-14-2212.

**Equipment.**

- Generally, §§27-37-101 to 27-37-707.
- Vehicle equipment safety compact.
- Commission.
- Audit of accounts by state, §27-33-107.
- Budget.
- Submission to chief fiscal officer of state, §27-33-106.
- Bylaws.
- Filing with secretary of state, §27-33-108.
- Cooperation by state agencies, §27-33-105.
- Director of motor vehicle division to be state commissioner, §27-33-104.
- General provisions, §27-33-101.
- Rules and regulations.
- Approval of legislature required, §27-33-109.
- Definitions, §27-33-101.
- Legislative declaration, §27-33-103.
- Text, §27-33-101.

**Explosives.**

- Rules and regulations.
- Transportation of explosives, §27-37-203.

**Farm tractors.**

- Exemptions from equipment regulations, §27-37-102.

**MOTOR VEHICLES —Cont'd****Flares.**

- Certain vehicles to carry, §27-37-205.
- Display when vehicle disabled, §27-37-206.

**Foreign vehicles.**

- Registration.
- Applications, §27-14-707.

**Hearses.**

- Flashing lights during procession, §27-36-306.
- Registration, §27-14-601.

**Historic or special interest vehicles,**

- §§27-15-2204 to 27-15-2209.
- Assemblage of vehicle, §27-15-2204.
- Definitions, §27-15-2201.
- Equipment, §27-15-2205.
- Fees, §§27-15-2202, 27-15-2209.
- License plates, §§27-15-2203, 27-15-2209.
- Registration, §27-15-2202.
- Restrictions on use, §27-15-2206.
- Sales, §27-15-2208.
- Storage, §27-15-2207.

**Horns, §27-37-202.****House movers.**

- Permits, §27-35-309.
- Size of houses.
- Restrictions, §27-35-309.
- Stopping and directing traffic.
- Persons issued permits to move houses, §27-35-310.

**Inspections.**

- Seat belts.
- Mandatory use of seat belts.
- Inspection for noncompliance.
- Stopping, inspecting or detaining solely to determine prohibited, §27-37-704.

**Instruction permits, §27-16-802.**

- Applications, §27-16-701.
- Minors, §27-16-702.

**Joyriding.**

- Unlawful taking of vehicle, §27-14-2207.

**Learner's permits.**

- Instruction permits, §27-16-802.
- Applications, §27-16-701.
- Minors, §27-16-702.

**Length, §27-35-208.****Licenses.**

- Driver license compact, §§27-17-101 to 27-17-106.
- Wreckers' or dismantlers' licenses.
- Applications, §27-14-2001.
- Issuance, §27-14-2002.



**MOTOR VEHICLES —Cont'd****Licenses —Cont'd**

Wreckers' or dismantlers' licenses  
—Cont'd

Records to be maintained,  
§27-14-2003.

Required, §27-14-2001.

**Liens.**

Application and documents,  
§27-14-803.

Compliance with subchapter,  
§27-14-801.

**Filing.**

Constructive notice, §27-14-805.  
Optional means of recording,  
§27-14-806.

Index, §27-14-804.

Methods provided in subchapter  
exclusive, §27-14-807.

**Perfection of lien.**

Effective date, §27-14-805.

**Registration.**

Application by lienholders for  
registration, §27-14-906.

Security interest attaching in another  
jurisdiction, §27-14-802.

**Transfer of title.**

Application by lienholder for title  
certificates, §27-14-906.

Assignment by person holding lien,  
§27-14-908.

Release of lien by lienholder,  
§27-14-909.

**Lights.**

Additional lighting equipment,  
§27-36-217.

Approval of lighting devices,  
§§27-36-201, 27-36-203.

Revocation, §27-36-202.

Auxiliary driving lights, §§27-36-221,  
27-36-222.

Auxiliary passing lamps, §27-36-214.

Bicycles, §27-36-220.

**Emergency lighting equipment.**

Certain vehicles to carry,  
§27-37-205.

Display when vehicle disabled,  
§27-37-206.

Exemptions from chapter, §27-36-102.

Farm tractors and equipment,  
§27-36-219.

**Flashing lights.**

Emergency vehicles, §27-36-202.

Amber flashing or rotating lights,  
§27-36-305.

Fire and fire prevention, §27-36-304.

Funeral processions, §27-36-306.

**MOTOR VEHICLES —Cont'd****Lights —Cont'd****Flashing lights —Cont'd**

Police vehicles.

Blue rotating or flashing lights,  
§27-36-303.

Prohibited, §27-36-208.

**Traffic control devices.**

Exemptions from provisions,  
§27-36-302.

Unlawful exhibit, §27-36-301.

Violations of provisions, §27-36-301.

Fog lamps, §27-36-214.

**Head lamps.**

Multiple-beam road lighting  
equipment, §27-36-210.

Use, §27-36-211.

Number of driving lamps required or  
permitted, §27-36-207.

Parking lights used only when head  
lamps on, §27-36-205.

Requirements generally, §27-36-209.

Lamps required, §27-36-204.

LED white lights, §27-36-214.

**Motorcycles.**

Requirements, §27-20-104.

Multiple-beam road lighting  
equipment, §27-36-210.

Use, §27-36-211.

**Parked vehicles.**

Lamps on, §27-36-206.

**Parking lights.**

Used only when headlamps also on,  
§27-36-205.

**Projecting load.**

Lamp or flag required, §27-36-218.

Running-board courtesy lamps,  
§27-36-217.

**Sale.**

Approval by commission required,  
§27-36-203.

Side cowl or fender lamps, §27-36-217.

Signal lamps, §27-36-216.

Single-beam road lighting equipment,  
§27-36-212.

Special restrictions on lamps,  
§27-36-208.

Spot lamps, §27-36-214.

**Tail lamps.**

Requirements generally, §27-36-215.

**Tractors.**

Farm tractors and equipment,  
§27-36-219.

**Loads.**

Exceptions to provisions, §27-35-102.

**Projecting loads.**

Extension of load beyond front of  
vehicle, §27-35-106.

**MOTOR VEHICLES —Cont'd****Loads —Cont'd**

- Projecting loads —Cont'd
  - Lamp or flag required, §27-37-204.
  - Passenger vehicles, §27-35-105.
- Registration of gross weight, §27-35-107.
- Removal of excess loads, §27-35-108.
- Spilling loads on highways.
  - Prohibited, §27-35-110.

**Mandatory seat belt use.**

- Generally, §§27-37-701 to 27-37-707.

**Manufacturers.**

- Defined, §27-14-205.
- Registration.
  - Special plates, §§27-14-1701 to 27-14-1703.
  - Suspension or revocation, §27-14-310.

**Minors.**

- Child passenger protection, §§27-34-101 to 27-34-108.

**Mirrors.**

- Requirements, §27-37-305.

**Motorcycles.**

- General provisions, §§27-20-101 to 27-20-118.

**Motorized bicycles, §§27-20-101 to 27-20-118.****Motor scooters, §§27-20-101 to 27-20-118.****Mufflers, §27-37-601.****Municipal corporations.**

- Parking.
  - Persons with disabilities.
  - Local ordinances regarding parking privileges, §27-15-312.

**Names.**

- Drivers' licenses.
  - Application to change name or address, §27-16-506.

**New motor vehicles.**

- Motor vehicle event data recorders, §27-37-103.

**Nitrous oxide prohibition,**

- §§27-37-801 to 27-37-803.

**Office of motor vehicles.**

- Application.
  - Processing, §27-14-409.
- Authority.
  - Police, §27-14-405.
  - Possession, taking, §27-14-406.
- Commissioner of motor vehicles.
  - Control of office, §27-14-402.
  - Powers and duties, §27-14-403.
- Creation, §27-14-401.
- Forms, §27-14-410.

**MOTOR VEHICLES —Cont'd****Office of motor vehicles —Cont'd**

- Information to be maintained on website, §27-16-103.

**Notice.**

- Giving of notice generally, §27-14-408.

**Oaths.**

- Officers and employees may administer, §27-14-411.

**Organization, §27-14-404.****Records, §27-14-412.****Synopsis of laws.**

- Publication, §27-14-413.

**Witnesses.**

- Summons, §27-14-407.

**Passengers.**

- Riding in spaces not intended for passengers, §27-35-104.

**Permanent automobile licensing act of 1967, §§27-14-1001 to 27-14-1021.****Reflectors.**

- Required on new vehicles, §§27-36-215, 27-36-218.

**Repairs.**

- Certificates of title.
  - Disclosure of damage and repair, §§27-14-2301 to 27-14-2307.
- Disclosure of damage and repair, §§27-14-2301 to 27-14-2307.

**Road machinery.**

- Exemptions from equipment regulations, §27-37-102.

**Road rollers.**

- Exemptions from equipment regulations, §27-37-102.

**Safety belts.**

- Child passenger protection.
  - Generally, §§27-34-101 to 27-34-108.
- Generally, §§27-37-701 to 27-37-707.

**Safety of vehicles, §§27-32-101, 27-32-102.****Sales.**

- Antifreeze.
  - Records, §27-38-105.
  - Requirements, §27-38-104.
- Dismantling or wrecking.
  - Sale of motor vehicle to be dismantled, §27-14-913.

**Salvage vehicles.**

- Certificates of title.
  - Disclosure of damage and repair, §§27-14-2301 to 27-14-2307.

**Searches and seizures.**

- Registration documents and certificates of title.
  - Authority of office, §27-14-406.

**Seat belts, §§27-37-701 to 27-37-707.**

**MOTOR VEHICLES —Cont'd****Size of vehicles.**

- Forestry machinery.
  - Exemption from limitations, §27-35-209.
- Height, §27-35-207.
- Length, §27-35-208.
- Operating vehicle exceeding size restrictions.
  - Liability for damaged highway or structure, §27-35-109.
  - Prohibited, §27-35-201.
- Penalties.
  - Violations of provisions, §§27-35-101, 27-35-202.
    - Disposition of penalties, §27-35-211.
- Scope of regulation, §27-35-103.
- Stopping and directing traffic.
  - Persons issued oversized permits, §27-35-213.
- Width, §27-35-206.

**Specially constructed vehicles.**

- Defined, §27-14-213.
- Registration.
  - Applications, §27-14-707.

**State police.**

- Driver education.
  - Establishment of program, §27-18-101.
- Grants and donations.
  - Power to accept and use, §27-18-105.

**Stolen vehicles.**

- Reports.
  - Recovered vehicles.
    - Vehicle recovered outside area from which taken, §27-14-2202.

**Storage.**

- Historic or special interest vehicles, §27-15-2207.
- Reports.
  - Vehicle left in storage over thirty days.
    - Report of garage or other owner, §27-14-2206.

**Taxation.**

- Certificates of title.
  - Disclosure of damage and repair.
    - Exemptions from sales or use tax, §27-14-2306.
- Registration.
  - Proof of filing personal property assessment and tax receipt showing payment.
    - Required for permanent plates, §27-14-1015.

**MOTOR VEHICLES —Cont'd****Theft.**

- Stolen vehicles.
  - Reports, §27-14-2201.
    - Action by department on report of stolen or embezzled vehicle, §27-14-2205.
    - Record of reports, §27-14-2202.
  - Recovered vehicles.
    - Reports by owners, §27-14-2204.
  - Unlawful taking of vehicle, §27-14-2207.

**Tinting of windows, §27-37-306.**

- Not prohibited, §27-37-304.

**Tires.**

- Definitions, §27-14-215.
- Metal studded tires, §27-37-402.
- Penalties.
  - Metal studded tires.
    - Use outside prescribed period, §27-37-402.
- Pneumatic tires.
  - Defined, §27-14-215.
- Solid tires.
  - Defined, §27-14-215.

**Towed vehicles.**

- Connections.
  - Restrictions, §27-35-111.

**Tractors.**

- Farm tractors.
  - Lights, §27-36-219.
- Reflectors.
  - Required on new vehicles, §27-36-218.
- Truck tractors.
  - Defined, §27-14-209.
  - Size of vehicles.
    - Length, §27-35-208.

**Training.**

- Driver education, §§27-18-101 to 27-18-108.

**Transfer of title.**

- Fees, §27-14-902.
- Liens.
  - Application by lienholder for title certificates, §27-14-906.
  - Assignment by person holding lien, §27-14-908.
  - Release of lien by lienholder, §27-14-909.
- Negligence.
  - Owner after transfer not liable for negligent operation, §27-14-911.
- Registration.
  - Expiration, §27-14-902.
    - Transfer by operation of law, §27-14-907.



**MOTOR VEHICLES —Cont'd****Transfer of title —Cont'd****Registration —Cont'd**  
**Forms.**

Furnished by commissioner of revenue, §27-14-914.

New owner must secure new registration, §27-14-903.

Transfer by operation of law, §27-14-907.

When department to reregister vehicle, §27-14-910.

Notice of transfer, §27-14-916.

Removal of plates and stickers, §27-14-902.

Rules and regulations, §27-14-914.

Vehicles for hire.

Cancellation of original registrations on transfer, §27-14-915.

Fee, §27-14-915.

**Transportation of vehicles.**

Metal transporter plates, §27-14-1806.

**Trucks.**

Certificates of title.

Certificates of registration.

Requirements unaffected, §27-14-714.

Defined, §27-14-209.

Reflectors.

Required on new vehicles, §27-36-218.

Registration.

Fees, §27-14-601.

Size of vehicles.

Length, §27-35-208.

**Truck tractors.**

Defined, §27-14-209.

Size of vehicles.

Length.

Combination of truck tractor and semi-trailer, §27-35-208.

**Unauthorized use.**

Prohibited, §27-14-2208.

**Underinsured motorists.**

Extension of policy coverage, §27-19-713.

**Uninsured motorists.**

Liability insurance.

Unlawful to operate vehicle without, §27-22-104.

Penalty, §27-22-103.

**Use of vehicle without owner's consent, §27-14-2208.****Variant plates.**

Personalized license plates generally, §§27-14-1101 to 27-14-1104.

**MOTOR VEHICLES —Cont'd****Vehicle equipment safety compact, §§27-33-101 to 27-33-109.****Waterwell drilling special vehicles.**

Special permits for overweight vehicles, §27-35-210.

**Website information.**

Changes in state driving laws, §27-14-609.

**Weight.**

Exceptions to provisions, §27-35-102.

Liability for damage to highway or structure.

Person driving overweight vehicle, §27-35-109.

Maximum weight limits.

Single and tandem axle load limits, §27-35-203.

Operating vehicle exceeding weight restrictions.

Liability for damage to highway or structure, §27-35-109.

Penalties, §27-35-202.

Prohibited, §27-35-201.

**Permits.**

Overweight vehicles, §27-35-210.

Disposition of fees, §27-35-211.

Persons permitted to stop and direct traffic, §27-35-213.

Single front or steering axle.

Special permits for maximum weight, §27-35-203.

Registration of gross weight, §27-35-107.

Scope of regulation, §27-35-103.

Stopping and directing traffic.

Persons issued overweight permits, §27-35-213.

**Width of vehicles, §27-35-206.****Windshields, §27-37-304.**

Requirements, §27-37-302.

Safety glass, §27-37-301.

Tinting of windows, §27-37-306.

Allowed, §27-37-304.

Wipers, §27-37-303.

**MUFFLERS.****Motor vehicles, §27-37-601.****MUNICIPAL CORPORATIONS.****Motor vehicles.**

Parking.

Persons with disabilities.

Local ordinances regarding parking privileges, §27-15-312.

**N****NAMES.****Motor vehicles.**

Drivers' licenses.

Application to change name or address, §27-16-506.

**NATIONAL GUARD.****Special license plates.**

Military service and veterans, §§27-24-201 to 27-24-208.

**NEGLIGENCE.****Comparative fault.**

Seat belt use, §27-37-703.

**Homicide.**

Negligent homicide.

Motor vehicles.

Drivers' licenses.

Grounds for mandatory revocation of license, §27-16-905.

Mandatory use of seat belts.

Noncompliance not considered as evidence in prosecution, §27-37-703.

**Imputed negligence.**

Minor's negligence while operating motor vehicle, §27-16-702.

**NITROUS OXIDE.****Motor vehicle nitrous oxide**

prohibition act, §§27-37-801 to 27-37-803.

Citation of act, §27-37-801.

Definitions, §27-37-802.

Exemption from use prohibition, §27-37-803.

**NONPROFIT CORPORATIONS (1993).****Religious organizations.**

Special license plates.

Nominal fee plates, §§27-24-601 to 27-24-612.

**NONRESIDENTS.****Motor vehicles.**

Safety responsibility.

Defined, §27-19-207.

Operating privilege.

Defined, §27-19-208.

Proof of financial responsibility for the future, §§27-19-705, 27-19-712.

Suspension.

Duration, §27-19-611.

Security deposit following accident, §27-19-610.

**NOTICE.****Motor vehicle registration.**

Annual notification of requirements, §27-14-1021.

**Taxicabs.**

Insurance.

Liability insurance prerequisite to licensing.

Cancellation of policy.

Notice to insurance commissioner, §27-14-1501.

**O****OATHS.****Motor vehicles.**

Administration of oaths.

Officers and employees of office, §27-14-411.

**OMEGA PSI PHI.****Fraternities and sororities.**

Special license plates, §§27-24-1201 to 27-24-1209.

**ORGAN DONOR AWARENESS**

**LICENSE PLATES**, §§27-24-1401 to 27-24-1408.

**ORPHANAGES.****Special license plates.**

Nominal fee plates, §§27-24-601 to 27-24-612.

**P****PARADES.****Motorcycles.**

Young children as passengers, §27-20-118.

**PARKING.****Disabilities, individuals with,**

§§27-15-301 to 27-15-316.

Administration of subchapter, §27-15-307.

Applicability of act, §27-15-303.

Authority of law enforcement officer to enter property, §27-15-306.

Definitions, §27-15-302.

Driver education instruction, §27-18-110.

Drivers' licenses, contents of written test, §27-16-706.

Exceptions to provisions, §27-15-312.

Exclusive parking privileges, §27-15-312.

Penalties, §27-15-305.

Persons with disabilities, defined, §27-15-302.

**PARKING —Cont'd****Disabilities, individuals with**  
—Cont'd

- Photo identification requirements,  
§27-15-308.
- Private agencies.
  - Defined, §27-15-302.
  - Facilities provided by, §27-15-314.
- Privileges, §27-15-312.
- Reciprocity, §27-15-311.
- Signs, §27-15-315.
- Special license plates and certificates,  
§27-15-308.
- Display, §27-15-310.
- Temporary disabilities.
  - Temporary special certificates,  
§27-15-304.
- Title of subchapter, §27-15-301.
- Van-accessible spaces, §27-15-312.
- Veterans, disabled, §27-15-316.
- Waiver of provisions, §27-15-303.

**Handicap parking spaces,**  
§§27-15-301 to 27-15-316.**Lamps on parked vehicles,**  
§27-36-206.**Report of garage or other owner.**  
Vehicle left parked over thirty days,  
§27-14-2206.**Veterans, disabled.**  
Parking privileges, §27-15-316.**PASSENGER RESTRAINT  
SYSTEMS.****Child passenger protection,**  
§§27-34-101 to 27-34-108.**Mandatory seat belt use, §§27-37-701  
to 27-37-707.****PASSENGERS.****Motorcycles.**

- Equipment, §27-20-104.
- Manner of riding, §27-20-110.
- Young children as passengers,  
§27-20-118.

**PEARL HARBOR SURVIVORS.****Special license plates.**

- Military service and veterans,  
§§27-24-201 to 27-24-208.

**PERJURY.****Motor vehicles.**

- Drivers' licenses.
  - False affidavit or false swearing,  
§27-16-306.
  - Grounds for mandatory revocation of  
license, §27-16-905.

**PESTICIDES.****Hazardous substances.**

- Transportation.
  - General provisions, §§27-2-101 to  
27-2-108.
  - Persons engaged in application of  
pesticides.
  - Exceptions, §27-2-103.

**PHI BETA SIGMA.****Fraternities and sororities.**

- Special license plates, §§27-24-1201 to  
27-24-1209.

**POISONS.****Hazardous substances.**

- Transportation, §§27-2-101 to  
27-2-108.

**PRISON TERMS.****All-terrain vehicles, §27-21-104.****Motorcycles, §27-20-102.****Motor vehicles.**

- Bonus for purchase of supplies or  
parts.
- Offer or acceptance, §27-14-2209.
- Certificates of title.
  - Fraudulent applications, §27-14-303.
- Drivers' licenses.
  - Driving while license cancelled,  
suspended or revoked,  
§27-16-303.
- General penalty provisions.
  - Felonies, §27-14-302.
  - Misdemeanors, §27-14-301.
- Insurance.
  - Liability insurance.
    - Operation of vehicle in violation of  
requirements.
    - Third offense, §27-22-103.
- Registration.
  - Fraudulent applications, §27-14-303.
  - Trailers, §27-14-1301.
  - Trucks, §27-14-1301.
- Safety responsibility violations,  
§27-19-301.
- Erroneous report or forgery,  
§27-19-303.
- Failure to return license or  
registration, §27-19-305.
- Operating vehicle when license or  
registration suspended or  
revoked, §27-19-304.
- Serial numbers.
  - Mutilation, §27-14-2212.
- Use of vehicle without owner's  
consent, §27-14-2208.



**PRODUCTS LIABILITY.****Seatbelts.**

Evidence of noncompliance.

Admissibility in products liability cases, §27-37-703.

**PUBLIC OFFICERS AND****EMPLOYEES.****Constitutional officers.**

Special license plates, §§27-24-801 to 27-24-804.

**License plates.**

Special license plates.

Constitutional officers, §§27-24-801 to 27-24-804.

Public and military service recognition, §§27-24-1301 to 27-24-1311.

**Public and military service recognition.**

Special license plates, §§27-24-1301 to 27-24-1311.

**Special license plates.**

Constitutional officers, §§27-24-801 to 27-24-804.

Public and military service recognition, §§27-24-1301 to 27-24-1311.

**PUBLIC TRANSIT SYSTEMS.****Public transportation coordination council, §§27-3-101 to 27-3-107.****PUBLIC TRANSPORTATION COORDINATION COUNCIL.****Administrative support, §27-3-106.****Citation of act.**

Short title, §27-3-101.

**Definitions, §27-3-104.****Duties, §27-3-105.****Established, §27-3-103.****Findings of legislature, §27-3-102.****Highway and transportation department.**

Administrative support, §27-3-106.

Definition of "department," §27-3-104.

**Interagency support, §27-3-107.****Legislative determination, §27-3-102.****Meetings, §27-3-103.****Members, §27-3-103.****Purpose, §27-3-105.****Rules and regulations, §27-3-103.****State departments and agencies.**

Interagency support, §27-3-107.

**Title of act.**

Short title, §27-3-101.

**R****RADIO.****Amateur radio operators.**

Special license plates, §§27-15-2401 to 27-15-2405.

**RAILROADS.****Hazardous substances and materials.**

Transportation of hazardous materials.

General provisions, §§27-2-101 to 27-2-108.

No additional requirements imposed on railroads, §27-2-107.

**Highways.**

Highway and transportation act of 1977.

Cooperation and contracts with domestic and foreign entities to maintain or improve rail transportation, §27-1-105.

State plan for rail transportation, §27-1-105.

**Motor vehicles.**

Grade crossings.

Commercial drivers, violations, §27-23-112.

**REAL ESTATE BROKERS AND SALESPERSONS.****License plates.**

Special interest license plates.

Generally, §§27-24-1401 to 27-24-1408.

Realtors plate, §27-24-1408.

**RECIPROCITY.****Drivers' licenses.**

Reciprocal agreements, §27-16-509.

Recognition of foreign licenses, §27-16-809.

**RECORDATION.****Motor vehicles.**

Liens.

Optional means of recording, §27-14-806.

**REFLECTORS.****Required on new vehicles, §27-36-215.**

Buses, §27-36-218.

Tractors, §27-36-218.

Trailers, §27-36-218.

Trucks, §27-36-218.

**REGISTRATION.****Manufactured homes.**

Manufacturers.

License plates, §§27-14-1901 to 27-14-1905.

**Mobile homes.**

Manufacturers.

License plates, §§27-14-1901 to 27-14-1905.

**RELIGIOUS ORGANIZATIONS.****Special license plates.**

Nominal fee plates, §§27-24-601 to 27-24-612.

**REPORTS.****Commercial drivers, drug and alcohol testing.**

Report of test results, §27-23-205.

**Motorcycles.**

Convictions of license holders, §27-20-112.

**Motor vehicle insurance.**

Companies providing motor vehicle liability insurance, §27-22-107.

**RESCUE SQUADS.****Special license plates.**

Nominal fee plates, §§27-24-601 to 27-24-612.

**S****SAFETY BELTS.****Child passenger protection,**

§§27-34-101 to 27-34-108.

**Mandatory seat belt use, §§27-37-701 to 27-37-707.****SAFETY GLASS.****Motor vehicle windshields,**

§27-37-301.

**SAFETY RESPONSIBILITY, MOTOR VEHICLES.****Accident reports.**

Additional information, §27-19-507.

Confidentiality, §27-19-510.

Contents, §27-19-502.

Death or bodily injury resulting from accident.

Report required, §27-19-501.

Erroneous report.

Penalty, §27-19-303.

Evidence.

Not to be evidence in civil suits, §27-19-621.

Failure to report.

Penalty, §27-19-302.

Suspension of license, §27-19-508.

**SAFETY RESPONSIBILITY, MOTOR VEHICLES —Cont'd****Accident reports —Cont'd**

Form, §27-19-502.

Incapacity of driver to report.

Owner to report, §27-19-509.

Insurance report.

Presumption created by failure to file proof of insurance, §27-19-503.

Property damage resulting from accident.

Report required, §27-19-501.

Required, §27-19-501.

**Administration of chapter, §27-19-401.****Appeals, §27-19-408.**

Assigned risk plans, §27-19-106.

**Assigned risk plans, §27-19-106.****Citation of chapter.**

Short title, §27-19-101.

**Commissioner.**

Defined, §27-19-202.

**Confidentiality of information.**

Accident reports, §27-19-510.

**Construction and interpretation.**

Act not to prevent other process, §27-19-103.

Article and section headings.

Effect, §27-19-102.

Supplemental nature of act, §27-19-104.

Uniformity of interpretation, §27-19-102.

**Definitions, §27-19-201.**

Chauffeur, §27-19-203.

Commissioner, §27-19-202.

Driver, §27-19-204.

Judgment, §27-19-701.

License, §27-19-205.

Motor vehicle, §27-19-206.

Nonresident, §27-19-207.

Nonresident's operating privilege, §27-19-208.

Office, §27-19-209.

Operator, §27-19-210.

Owner, §27-19-211.

Person, §27-19-212.

Proof of financial responsibility for the future, §27-19-701.

Registration, §27-19-213.

State, §27-19-701.

Vehicle, §27-19-214.

**Drivers' licenses.**

Definition of "license," §27-19-205.

Suspension.

Accident reports.

Failure to report, §27-19-508.

**SAFETY RESPONSIBILITY, MOTOR VEHICLES —Cont'd****Drivers' licenses —Cont'd****Suspension —Cont'd**

Agreements for payment of damages.

Default in payment under agreement, §27-19-612.

Duration, §27-19-611.

Failure to return license.

Penalty, §27-19-305.

Nonpayment of judgments, §§27-19-707, 27-19-710.

Operating vehicle when license suspended.

Penalty, §27-19-304.

Procedure, §27-19-404.

Proof of financial responsibility for the future, §§27-19-703, 27-19-704.

Nonpayment of judgments, §§27-19-707, 27-19-710.

Security following accident.

Failure to deposit, §27-19-610.

Surrender of license, §27-19-306.

**Enforcement of chapter, §27-19-401.****Evidence.**

Matters not to be evidence in civil suits, §27-19-621.

**Forms, §27-19-403.****Insurance.**

Accident prevention course.

Reduction in premiums for persons 55 or older upon completion of course, §27-19-608.

Accident reports.

Execution, §27-19-505.

Failure of insurance carrier to file, §27-19-506.

Proof of insurance, §27-19-504.

Assigned risk plans, §27-19-106.

Exceptions.

Security following accident, §27-19-604.

Requirements as to policy or bond, §27-19-605.

Vehicles insured under other laws, §27-19-105.

Premiums.

Reduction for persons 55 or older upon completion of accident prevention course, §27-19-608.

Reduction in premium for persons 55 or older upon completion of accident prevention course.

Certificate, §27-19-608.

Companies to allow reduction, §27-19-608.

**SAFETY RESPONSIBILITY, MOTOR VEHICLES —Cont'd****Insurance —Cont'd**

Reduction in premium for persons 55 or older upon completion of accident prevention course

—Cont'd

Generally, §27-19-608.

Instructors.

Approval by department, §27-19-608.

Renewal of eligibility, §27-19-608.

Self-insurers, §27-19-107.

Senior citizens.

Reduction in premiums for persons 55 or older upon completion of accident prevention course, §27-19-608.

**Judgments.**

Defined, §27-19-701.

Nonpayment.

Consent granted by judgment creditor.

Exception to suspension provisions, §27-19-707.

Discharge in bankruptcy.

Relief of judgment data from requirements of provisions, §27-19-708.

Government vehicles.

Exception to suspension provisions, §27-19-707.

Insurer liable for payment of judgment.

Exception to suspension provisions, §27-19-707.

Report, §27-19-706.

Suspension of license, registration and nonresident's operating privilege, §27-19-707.

Default in installment payments, §27-19-710.

Exceptions, §27-19-707.

Period of suspension, §27-19-707.

Payment of judgments.

Effect, §27-19-615.

Installment payments, §27-19-710.

Default, §27-19-710.

Payments sufficient to satisfy requirements, §27-19-709.

Security following accident.

Availability for payment of judgment, §27-19-617.

**Nonresidents.**

Defined, §27-19-207.

Operating privilege.

Defined, §27-19-208.



**SAFETY RESPONSIBILITY, MOTOR VEHICLES —Cont'd****Nonresidents —Cont'd**

Operating privilege —Cont'd

Suspension.

Duration, §27-19-611.

Failure to deposit security following accident, §27-19-610.

Proof of financial responsibility for the future, §§27-19-703, 27-19-704.

Nonpayment of judgments, §§27-19-707, 27-19-710.

Security following accident.

Applicability of provisions, §27-19-602.

**Notice.**

Security following accident.

Amount of security required, §27-19-603.

Right to claim deposit, §27-19-619.

**Penalties.**

Accident reports.

Erroneous report, §27-19-303.

Failure to report, §27-19-302.

General penalty, §27-19-301.

Proof of financial responsibility for the future.

Forgery, §27-19-303.

Suspension of license or registration.

Failure to return license or registration, §27-19-305.

Operating vehicle when license or registration suspended, §27-19-304.

Violations of provisions generally, §27-19-301.

**Proof of financial responsibility for the future.**

Alternate methods of giving proof, §27-19-711.

Applicability of provisions, §27-19-702.

Bonds, surety, §27-19-711.

Cancellation on substitution of other proof, §27-19-719.

Cancellation or return, §27-19-721.

Certificate of insurance, §27-19-711.

Cancellation on substitution of other proof, §27-19-719.

Nonresidents, §27-19-712.

Default by nonresident insurer, §27-19-712.

Policies.

Act not to affect other policies, §27-19-715.

Defined, §27-19-701.

Deposit of money or securities, §§27-19-711, 27-19-717.

Amount required, §27-19-717.

**SAFETY RESPONSIBILITY, MOTOR VEHICLES —Cont'd****Proof of financial responsibility for the future —Cont'd**

Deposit of money or securities —Cont'd

Application of deposit, §27-19-717.

Return of deposit upon substitution of other proof, §27-19-719.

Drivers' licenses.

Suspension, §27-19-703.

Action in respect to unlicensed persons, §27-19-704.

Duration of proof, §27-19-721.

Forgery.

Penalty, §27-19-303.

Methods of giving proof, §27-19-711.

Motor vehicle liability policies, §27-19-713.

Content requirements, §27-19-713.

Defined, §27-19-713.

Provisions not contained within policy.

Policies subject to, §27-19-713.

Requirements.

Generally, §27-19-713.

Suspension.

Nonpayment of judgments, §§27-19-707, 27-19-710.

Nonresidents.

Certificate of insurance as proof, §27-19-712.

Default by nonresident insurer, §27-19-712.

Nonpayment of judgments, §§27-19-707, 27-19-710.

Suspension of operating privilege, §27-19-705.

Other proof.

Department may require, §27-19-720.

Substitution of proof, §27-19-719.

Owner may give proof for others, §27-19-718.

Registration.

Proof to be furnished for each registered vehicle, §27-19-711.

Suspension, §27-19-703.

Action in respect to unlicensed persons, §27-19-704.

Nonpayment of judgments, §§27-19-707, 27-19-710.

Required upon certain convictions, §27-19-703.

Substitution of proof, §27-19-719.

Vehicles.

Proof to be furnished for each registered vehicle, §27-19-711.

**SAFETY RESPONSIBILITY, MOTOR VEHICLES —Cont'd****Records.**

- Operating records.
- Office to furnish, §27-19-406.
- Public inspection of records, §27-19-407.

**Registration.**

- Defined, §27-19-213.
- Suspension.
  - Agreements for payment of damages.
  - Default in payments under agreements, §27-19-612.
- Duration, §27-19-611.
- Failure to return registration.
  - Penalty, §27-19-305.
- Operating motor vehicle while registration suspended.
  - Penalty, §27-19-304.
- Proof of financial responsibility for the future, §27-19-703.
  - Action in respect to unlicensed persons, §27-19-704.
  - Nonpayment of judgments, §§27-19-707, 27-19-710.
- Security following accident.
  - Failure to deposit, §27-19-610.
- Surrender of registration, §27-19-306.
  - Transfer of registration to defeat purpose of act, §27-19-307.
- Transfer of registration to defeat purpose of act.
  - Prohibited, §27-19-307.

**Reports.**

- Accidents.
  - Additional information, §27-19-507.
  - Confidentiality, §27-19-510.
  - Contents, §27-19-502.
  - Erroneous report, §27-19-303.
  - Evidence, §27-19-621.
  - Failure to report.
    - Penalty, §27-19-302.
    - Suspension of license, §27-19-508.
  - Incapacity of driver to report, §27-19-509.
  - Insurance report, §27-19-503.
    - Required, §27-19-501.
- Judgments.
  - Nonpayment of judgments, §27-19-706.

**Requests of persons aggrieved, §27-19-405.****Rules and regulations.**

- Adoption, §27-19-402.

**Security following accidents.**

- Adjudication of nonliability, §27-19-614.

**SAFETY RESPONSIBILITY, MOTOR VEHICLES —Cont'd****Security following accidents —Cont'd**

- Agreements for payment of damages, §27-19-612.
- Amount of security, §27-19-607.
- Adjustment, §27-19-609.
- Department to determine, §27-19-603.
- Notice, §27-19-603.
- Applicability of provisions, §§27-19-601, 27-19-602.
- Accidents occurring in other state, §27-19-602.
- Nonresidents, §27-19-602.
- Unlicensed drivers, §27-19-602.
- Unregistered vehicles, §27-19-602.
- Correction of actions of department, §27-19-620.
- Covenant not to sue.
  - Release of parties from requirements, §27-19-613.
- Coverage.
  - Designation of persons covered, §27-19-606.
- Death or bodily injury resulting from accident.
  - Applicability generally, §27-19-601.
- Designation of persons covered, §27-19-606.
- Disposition of security, §27-19-617.
- Evidence.
  - Matters not to be evidence in civil suits, §27-19-621.
- Exceptions to requirement, §27-19-604.
  - Insurance, §27-19-604.
    - Requirements as to policy or bond, §27-19-605.
- Failure to deposit security.
  - Suspension upon, §27-19-610.
- Forfeiture when not claimed within five years, §27-19-619.
- Form of security, §27-19-607.
- Notice.
  - Amount of security required, §27-19-603.
- Property damage resulting from accident.
  - Applicability generally, §27-19-601.
- Release from liability, §27-19-613.
  - Adjudication of nonliability, §27-19-614.
- Agreements for payment of damages, §27-19-612.
- Termination of security requirements, §27-19-616.
- Return of deposit, §27-19-618.
- Self-insurers, §27-19-107.**

## **SAFETY RESPONSIBILITY, MOTOR VEHICLES —Cont'd**

**Supplemental nature of act,**  
§27-19-104.

### **Title of chapter.**

Short title, §27-19-101.

### **Uninsured motorists.**

Liability insurance, §§27-22-103,  
27-22-104.

## **SALES.**

### **Motorcycles.**

Minors.

Certain sales prohibited, §27-20-103.

## **SALVAGE.**

### **Motor vehicles.**

Certificates of title.

Disclosure of damage and repair,  
§§27-14-2301 to 27-14-2307.

## **SCHOOL BUSES.**

**Defined,** §27-14-207.

### **Fees.**

Mental retardation and developmental  
disabilities services division.

License fee for school buses owned  
by facilities licensed by,  
§27-14-1404.

### **Motor vehicle registration.**

Buses converted to or equipped as  
campers, §27-15-4001.

## **SEARCH AND RESCUE LICENSE**

**PLATES,** §§27-15-3101 to  
27-15-3103.

## **SEARCHES AND SEIZURES.**

### **Motor vehicles.**

Registration documents and  
certificates of title.

Authority of office, §27-14-406.

## **SEAT BELTS.**

### **Child passenger protection,**

§§27-34-101 to 27-34-108.

#### **Actions.**

Noncompliance not evidence of  
negligence and not admissible at  
trial, §27-34-106.

Age of child, §27-34-104.

Child passenger protection fund.

Created, §27-34-107.

Exceptions, §27-34-105.

Seat belt exception, §27-34-104.

Legislative intent, §27-34-102.

#### **Negligence.**

Noncompliance not evidence of  
negligence, §27-34-106.

Public safety fund, §27-34-108.

Purchase of seats by highway safety  
program, §27-34-107.

## **SEAT BELTS —Cont'd**

### **Child passenger protection —Cont'd**

Required, §27-34-104.

Title of chapter, §27-34-101.

#### **Violations.**

Penalties, §27-34-103.

Weight of child, §27-34-104.

### **Costs.**

Mandatory use of seat belts.

Court costs, §27-37-706.

### **Inspections.**

Mandatory use of seat belts.

Inspection for noncompliance.

Stopping, inspecting or detaining  
solely to determine prohibited,  
§27-37-704.

### **Instruction permit holders driving,**

§27-16-802.

### **Intermediate drivers' licensees**

**driving,** §27-16-804.

### **Learners' licensees driving,**

§27-16-804.

### **Mandatory seat belt use,** §§27-37-701 to 27-37-707.

Applicability of chapter, §27-37-702.

Comparative or contributory  
negligence.

Noncompliance not considered as  
evidence of, §27-37-703.

#### **Costs.**

Court costs, §27-37-706.

Definitions, §27-37-701.

Effect of noncompliance, §27-37-703.

#### **Evidence.**

Noncompliance.

Effect, §27-37-703.

Products liability cases,  
§27-37-703.

#### **Fines.**

Reduction as incentive to comply  
with subchapter, §27-37-705.

### **Homicide.**

Negligent homicide.

Noncompliance not considered as  
evidence in prosecution,  
§27-37-703.

### **Inspection for compliance.**

Stopping, inspecting or detaining  
solely to determine.

Prohibited, §27-37-704.

### **Negligence.**

Noncompliance not admissible as  
evidence in trial with regard to  
negligence, §27-37-703.

### **Negligent homicide.**

Noncompliance not considered as  
evidence in prosecution,  
§27-37-703.



**SEAT BELTS —Cont'd****Mandatory seat belt use —Cont'd**

Noncompliance.

Effect, §27-37-703.

Penalties, §27-37-706.

Reduction of fine as incentive to  
comply with subchapter,  
§27-37-705.

Required, §27-37-702.

Stopping, inspecting or detaining to  
determine compliance.

Prohibited, §27-37-704.

Traffic violation reports.

Inclusion of violation of seatbelt law,  
§27-37-707.**Traffic violation reports.**Violation of seatbelt use not to be  
included, §27-37-707.**SECRETARY OF STATE.****Special license plates**, §§27-24-801 to  
27-24-804.**SELECTIVE SERVICE  
REGISTRATION.****Drivers' licenses or identification  
cards.**

Application for, §27-16-507.

**SHERIFFS.****Amateur radio operators.**List of names, address and amateur  
station call signs.Furnishing to county sheriffs,  
§27-15-2405.**SIGMA GAMMA RHO.****Fraternities and sororities.**Special license plates, §§27-24-1201 to  
27-24-1209.**SIGNS.****Parking for persons with  
disabilities**, §27-15-315.**SORORITIES.****Special license plates**, §§27-24-1201 to  
27-24-1209.**STATE DEPARTMENTS AND  
AGENCIES.****License plates.**Public use vehicles/federal  
government, §27-24-501.Public use vehicles/local government,  
§§27-24-301 to 27-24-306.Public use vehicles/state government,  
§§27-24-401, 27-24-402.**Public transportation coordination  
council.**

Interagency support, §27-3-107.

**STATE LANDS.****Commissioner of state lands.**Special license plates, §§27-24-801 to  
27-24-804.**STATE POLICE.****License plates.**Public and military service  
recognition, §§27-24-1301 to  
27-24-1311.**Motor vehicles.**

Driver education.

Establishment of program,  
§27-18-101.

Grants and donations.

Power to accept and use,  
§27-18-105.**Vehicle identification numbers  
(VIN).**

Limited verification, §27-14-725.

**STREET RODS.****License plates**, §§27-24-1501 to  
27-24-1505.

Application, §27-24-1503.

Definitions, §27-24-1502.

Equipment requirements, §27-24-1505.

Issuance and renewal, §27-24-1503.

Purpose of provisions, §27-24-1501.

Titling requirements, §27-24-1504.

**Nitrous oxide prohibition**,  
§§27-37-801 to 27-37-803.**SUBSTANCE ABUSE.****Commercial drivers.**Drug and alcohol testing, §§27-23-201  
to 27-23-211.**T****TAIL LIGHTS.****Motor vehicles**, §27-36-215.**TAXATION.****Motor vehicle dealers.**

New vehicles loaned to school districts.

Exemption for state, county or  
municipal taxes, §27-15-4002.**TAXICABS.****Insurance.**Liability insurance prerequisite to  
licensing, §27-14-1501.

Cancellation of policy.

Notice to insurance commissioner,  
§27-14-1501.

Violations of provisions.

Penalty, §27-14-1501.

**TAXICABS —Cont'd****Notice.**

## Insurance.

Liability insurance prerequisite to licensing.

Cancellation of policy.

Notice to insurance

commissioner, §27-14-1501.

**Penalties.**

## Insurance.

Liability insurance prerequisite to licensing.

Violations of provisions,  
§27-14-1501.**Registration.**

## Insurance.

Liability insurance prerequisite,  
§27-14-1501.

Cancellation of policy.

Notice to insurance  
commissioner, §27-14-1501.

Violations of provisions.

Penalty, §27-14-1501.

## State line.

Adjoining cities and towns separated  
by state line.Fee when operating in,  
§27-14-1502.**TERRORISM.****Driver's license security and  
modernization act, §§27-16-1101  
to 27-16-1109.****THEFT.****Joyriding.**Unauthorized use of vehicle,  
§27-14-2207.**Motor vehicles.**Unlawful taking of vehicle,  
§27-14-2207.**TINTING MOTOR VEHICLE****WINDOWS, §27-37-306.****Not prohibited, §27-37-304.****TIRES.****Metal studded tires.**

Penalties, §27-37-402.

**Pneumatic tires.**

Defined, §27-14-215.

**Restrictions, §27-37-401.****Solid tires.**

Defined, §27-14-215.

**TORTS.****Seat belt use, §27-37-703.****TRACTORS.****Farm tractors.**

Lights, §27-36-219.

**TRACTORS —Cont'd****Lights.**Farm tractors and equipment,  
§27-36-219.**Reflectors, §27-36-218.****Truck tractors.**

Defined, §27-14-209.

Size of vehicles.

Length, §27-35-208.

**TRAFFIC LAWS.****Commercial drivers.**

## Convictions.

Notification required by driver,  
§27-23-105.

## Nonresident convictions.

Notice to driver licensing authority  
in other states, §27-23-116.**Turning.**

## Signals.

Lights, §27-36-216.

**TRAILERS.****Definitions, §27-14-210.**

## Registration.

Permanent trailer licensing act,  
§27-14-1202.**Pole trailers.**

Defined, §27-14-210.

**Reflectors.**

Required on new vehicles, §27-36-218.

**Registration.**

Fees, §27-14-601.

Permanent trailer licensing act.

## Applicability of act.

Trailers subject to act,  
§27-14-1203.

## Applications.

Definition of "proper application,"  
§27-14-1202.Information required of applicant,  
§27-14-1207.

Time and place for, §27-14-1206.

## Certificate of registration.

Issuance, §27-14-1209.

## Change of address.

Report by owners of trailers  
subject to act, §27-14-1217.

## Citation of chapter.

Short title, §27-14-1201.

## Decals or tags.

Defined, §27-14-1202.

Display, §27-14-1215.

Failure to display, §27-14-1204.

Issuance, §27-14-1215.

## Definitions, §27-14-1202.

## Fees.

Calculation, §27-14-1210.

**TRAILERS —Cont'd****Registration —Cont'd**

Permanent trailer licensing act

—Cont'd

Fees —Cont'd

Issuance of decal upon biennial  
payment of fee, §27-14-1215.

License plates.

Failure to display, §27-14-1204.

Issuance of permanent plate,  
§27-14-1211.

Reflectorized plates, §27-14-1212.

Noncompliance with act.

Penalty, §27-14-1204.

Renewal of registration,

§27-14-1214.

Distribution of renewal

applications, §27-14-1213.

Time and place for, §27-14-1206.

Rules and regulations, §27-14-1218.

Scope of act.

Trailers subject to act,

§27-14-1203.

Title of chapter.

Short title, §27-14-1201.

Transfer of registration to another  
trailer, §27-14-1216.

Transition to permanent

registration, §27-14-1210.

**Semitrailers.**

Defined, §27-14-210.

**Size of vehicles.**Combination of truck tractor and  
semi-trailer, §27-35-208.**Truck tractors.**

Defined, §27-14-209.

**TRANSPORTATION.****Hazardous substances**, §§27-2-101 to  
27-2-108.**Highway and transportation act of  
1977**, §§27-1-101 to 27-1-107.**Public transportation coordination  
council**, §§27-3-101 to 27-3-107.**TREASURER OF STATE.****License plates.**Special license plates, §§27-24-801 to  
27-24-804.**Special license plates**, §§27-24-801 to  
27-24-804.**TURNING, MOTOR VEHICLES.****Signals.**

Lights, §27-36-216.

**U****UNDERINSURED MOTORISTS.****Extension of policy coverage**,  
§27-19-713.**UNINSURED MOTORISTS.****Liability insurance.**Unlawful to operate vehicle without,  
§27-22-104.

Penalty, §27-22-103.

**UNITED STATES.****Highways.**Highway and transportation act of  
1977.

Federal aid.

Powers necessary to obtain federal  
aid, §27-1-105.**UNIVERSITIES AND COLLEGES.****Agricultural education.**Special license plates, §§27-24-1101 to  
27-24-1108.Additional license plates,  
§27-24-1104.College or university, defined,  
§27-24-1102.Design and approval procedures,  
§27-24-1105.

Existing license plates, §27-24-1103.

Fees, §§27-24-1105, 27-24-1106.

Issuance, §27-24-1106.

Purpose, §27-24-1101.

Renewal, §27-24-1106.

Replacement, §27-24-1106.

Transferability, §27-24-1108.

Use of funds by college or  
university, §27-24-1107.**Collegiate license plates,**

§§27-24-1001 to 27-24-1108.

Additional special license plates,  
§27-24-1004.Collegiate plates, §§27-24-1001 to  
27-24-1209.

Definitions, §27-24-1002.

Erroneous issuance or renewal,  
§27-24-1009.Existing special license plates,  
§27-24-1003.

Issuance, §27-24-1005.

License plate options, §27-24-1007.

Purpose, §27-24-1001.

Renewal, §27-24-1005.

Replacement, §27-24-1005.



**UNIVERSITIES AND COLLEGES**

—Cont'd

**Collegiate license plates** —Cont'd

Transferability, §27-24-1006.

Use of funds by educational institutions, §27-24-1008.

**Fraternities and sororities.**

Special license plates, §§27-24-1201 to 27-24-1209.

Additional license plates, §27-24-1204.

African-American fraternity or sorority, defined, §27-24-1202.

Authority continued, §27-24-1203.

Design and approval procedure, §27-24-1205.

Disposition of fees, §27-24-1207.

Erroneous issuance or renewal, §27-24-1209.

Fees, §§27-24-1205 to 27-24-1207.

List of historically African-American institutions of higher education, §27-24-1207.

Purpose, §27-24-1201.

Use of funds, §27-24-1208.

**License plates.**

Special license plates.

Agricultural education, §§27-24-1101 to 27-24-1008.

Collegiate license plates, §§27-24-1001 to 27-24-1108.

Fraternities and sororities, §§27-24-1201 to 27-24-1209.

**Special license plates.**

Agricultural education, §§27-24-1101 to 27-24-1008.

Collegiate license plates, §§27-24-1001 to 27-24-1108.

Fraternities and sororities, §§27-24-1201 to 27-24-1209.

**UNIVERSITY OF ARKANSAS AT LITTLE ROCK.****Division of agriculture.**

Special license plates, §§27-24-1101 to 27-24-1108.

**Special license plates**, §§27-24-1001 to 27-24-1209.**UNIVERSITY OF CENTRAL ARKANSAS.****Special license plates**, §§27-24-1001 to 27-24-1209.**V****VANITY PLATES**, §§27-14-1101 to 27-14-1104.**VETERANS.****Disabled veterans.**

Parking privileges, §27-15-316.

**Military service and veterans.**

Special license plates, §§27-24-201 to 27-24-208.

**Parking for disabled veterans**, §27-15-316.**Public and military service recognition.**

Special license plates, §§27-24-1301 to 27-24-1311.

**VICARIOUS LIABILITY.****Minor's negligence while operating motor vehicle**, §27-16-702.**VICTIMS OF CRIME.****Drivers' licenses.**

Address confidentiality program, §27-16-811.

**VIETNAM WAR VETERANS.****Special license plates.**

Military service and veterans, §§27-24-201 to 27-24-208.

**VITAL STATISTICS.****Births.**

Certificate of birth.

Drivers' license identification requirements, §27-16-604.

**W****WAIVER.****Commercial drivers.**

Skills test, §27-23-108.

**WINDSHIELDS.****Obstructions**, §27-37-304.**Requirements**, §27-37-302.**Safety glass**, §27-37-301.**Tinting of windows**, §27-37-306.

Allowed, §27-37-304.

**Unobstructed**, §27-37-302.**Violations**, §27-37-304.**Wipers**, §27-37-303.**WITNESSES.****Motor vehicles.**

Powers of commissioner and officers of office, §27-14-407.

**WORLD WAR II.****Veterans.**

Special license plates.

Military service and veterans, §§27-24-201 to 27-24-208.

**WRECKERS.****License plates**, §27-14-601.

**WRECKERS —Cont'd****Red flashing or rotating emergency lights, §27-36-305.****Registration of gross weight, §27-35-107.****Towing vehicles licensed in other states, §27-35-112.****Y****YOUTH GROUPS.****Special license plates.**

Nominal fee plates, §§27-24-601 to 27-24-612.

**Z****ZETA PHI BETA.****Fraternities and sororities.**

Special license plates, §§27-24-1201 to 27-24-1209.















